

BIENNIAL REPORT

OF THE

ATTORNEY GENERAL

TO THE

GOVERNOR OF THE STATE OF
ALABAMA

FOR THE PERIOD

FROM OCTOBER 1, 1912
TO SEPTEMBER 30, 1914

ROBERT C. BRIGKELL, *Attorney General*
W. L. MARTIN, *Assistant Attorney General*
T. H. SEAY, *Assistant Attorney General*
BEULAH KNIGHT, *Stenographer*

Montgomery, Ala.
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ATTORNEY GENERAL

GOVERNOR OF THE STATE OF
ALABAMA

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FOR THE YEAR
ENDING SEPTEMBER 30, 1914

PRINTED BY THE
GOVERNMENT PRINTING OFFICE

ATTORNEYS GENERAL OF ALABAMA.

1819 to 1914.

Henry Hitchcock	1819
Thomas White	1823
Constantine Perkins	1825
Peter Martin	1832
Alexander B. Meek	1836
John D. Phelan	1836
Lincoln Clarke	1838
Matthew W. Lindsay	1839
Thomas D. Clarke	1843
William H. Martin	1847
Marion A. Baldwin	1840
John W. A. Sanford	1865
Joshua Morse	1868
John W. A. Sanford	1870
Benjamin Gardner	1872
John W. A. Sanford	1874
Henry C. Tompkins	1878
Thomas N. McClellan	1884
William L. Martin	1889
William C. Fitts	1894
Charles G. Brown	1898
Massey Wilson	1903
Alexander M. Garber	1907
Robert C. Brickell	1911

Note: For many years, the law required the Attorney General to act as Solicitor for the Circuit in which the seat of government was located.

LIST OF CIRCUIT, CITY AND COUNTY SOLICITORS.

First Circuit----Hon. John McDuffie, Monroeville, Ala.
Second Circuit-----Hon. C. R. Bricken, Luverne, Ala.
Third Circuit-----Hon. Henry B. Steagall, Ozark, Ala.
Fourth Circuit--Hon. J. F. Thompson, Centreville, Ala.
Fifth Circuit-----Hon. W. B. Bowling, Dadeville, Ala.
Sixth Circuit-----Hon. M. T. Ormond, Tuscaloosa, Ala.
Seventh Circuit_Hon. Chas. S. Cornelius, Ashland, Ala.
Eighth Circuit-----Hon. D. C. Almon, Decatur, Ala.
Ninth Circuit-----Hon. C. C. Appleton, Centre, Ala.
Tenth Circuit-----Hon. Joe Tate, Birmingham, Ala.
Eleventh Circuit_Hon. R. T. Simpson, Jr., Florence, Ala.
Twelfth Circuit-----Hon. Richard H. Parks, Troy, Ala.
*Thirteenth Circuit-----

Fourteenth Circuit_Hon. W. B. Bankhead, Jasper, Ala.
Fifteenth Circuit-----Hon. F. L. Tate, Wetumpka, Ala.
Sixteenth Circuit-----Hon. J. A. Emery, Ashville, Ala.

City Court of Andalusia, Hon. L. H. Brassell, Andalusia, Ala.

City Court of Anniston, Hon. W. C. Tunstall, Jr., Anniston, Ala.

City Court of Bessemer, Hon. Ben F. Perry, Bessemer, Ala.

City Court of Gadsden, Hon. L. B. Rainey, Gadsden, Ala.

City Court of Mobile, Hon. Norborne R. Clarke, Mobile, Ala.

City Court of Montgomery, Hon. W. T. Seibels, Montgomery, Ala.

City Court of Selma, Hon. J. F. Thompson, ex officio, Centreville, Ala. Hon. R. H. Mangum, Deputy Solicitor, Selma, Ala.

City Court of Talladega, Hon. Marion H. Sims, Talladega, Ala.

County Court of Clarke, Hon. F. E. Poole, Thomasville, Ala.

County Court of Clay, Hon. Robert A. Gay, Ashland, Ala.

Criminal Court of Jefferson County, Hon. H. P. Heflin, Birmingham, Ala.

County Court of Marion, Hon. R. W. Quinn, Hamilton, Ala.

County Court of Pike, Hon. A. G. Seay, Troy, Ala.

County Court of Sumter, Hon. Jas. A. Mitchell, Livingston, Ala.

County Court of Tuscaloosa, Hon. C. B. Verner, Tuscaloosa, Ala.

Lee County Law and Equity Court, Hon. C. A. L. Sanford, Opelika, Ala.

Madison County Law and Equity Court, Hon. Zac I. Drake, Huntsville, Ala.

Morgan County Law and Equity Court, Hon. Melvin W. Hutson, New Decatur, Ala.

Walker County Law and Equity Court, Hon. J. D. Acuff, Jasper, Ala.

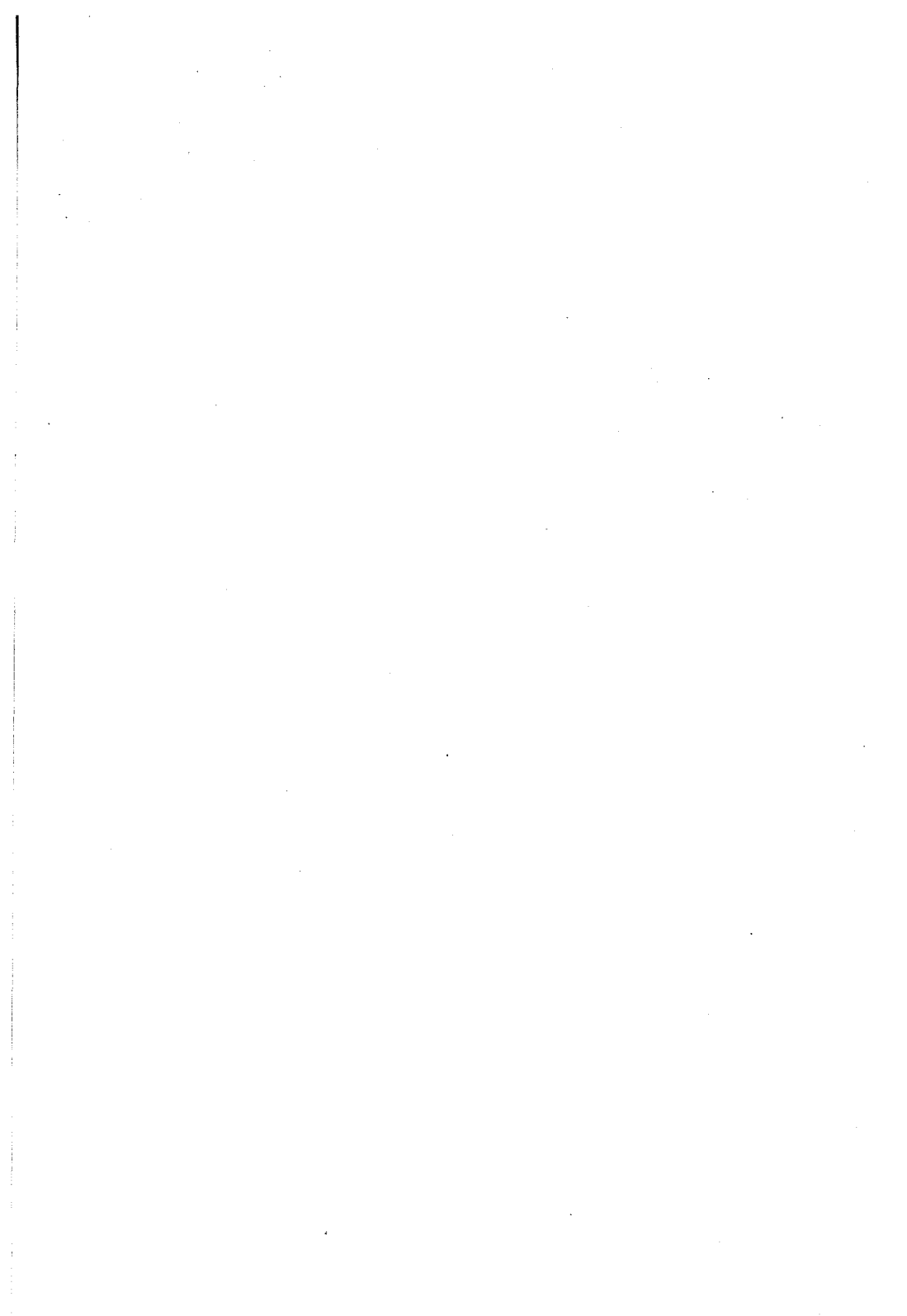
Hale County Law and Equity Court, Hon. Thomas E. Knight, Greensboro, Ala.

Marengo County Law and Equity Court, Hon. B. G. Wilson, Demopolis, Ala.

Monroe County Law and Equity Court, Hon. M. R. Sowell, Monroeville, Ala.

Shelby County Court—Hon. J. J. Haynes, Columbiana, Ala.

Solicitor for Jackson County, Hon. John F. Proctor, Scottsboro, Ala.



ATTORNEY GENERAL'S REPORT

LETTER OF TRANSMITTAL.

STATE OF ALABAMA OFFICE OF THE ATTORNEY GENERAL

MONTGOMERY, ALA., October 1, 1914.

HON. EMMET O'NEAL,
Governor of Alabama,
Montgomery, Ala.

DEAR SIR:—As required by the provisions of Section 635 of the Code of Alabama, I herewith transmit my biennial report as Attorney General of the State of Alabama for the period beginning October 1st, 1912, and terminating October 1st, 1914. This is the last report during my incumbency of this office, and in this letter of transmittal, I desire to deal particularly with certain changes in the law, as relating not only to the suppression of crime and the improvement of criminal administration which I am required by the statutes to make, but also with suggestions as to legislation which, in my opinion, is necessary to the efficiency of the office of the Attorney General, and to a proper administration of the affairs of the State, with which the Attorney General's Department is, or should properly be, connected, and for this purpose I will attach certain bills of which I request

your approval and upon which Legislative action should, in my opinion, be invoked.

Some of the suggestions which will be referred to herein and embodied in the bills hereto attached, have had the endorsement of my predecessors, and some are of my own suggestion.

The first matter to which I desire to call your attention is as to appeals in criminal cases to the Supreme Court or Appellate Court, which matter was treated of in my former report, and upon which subject I have prepared a bill, which was submitted to the State Bar Association at its meeting in Mobile in July, 1913, by the President of the Association with his approval.

Under the law as it stands today, it is comparatively easy for a criminal after conviction to prevent his appeal from reaching the appellate court in from eight to twelve months, and the officers of the State are powerless to remedy this condition, although the defendant himself, if anxious to present his appeal, can have the same submitted upon ten days' notice to the Attorney General.

Numerous instances in which this condition of affairs has been taken advantage of by convicted criminals could be cited, but they are familiar to any lawyer or any officer of any of the trial courts in this State, and need no citation.

Our laws regulating the number of challenges in criminal cases should be so amended as to allow the State the same number of challenges as the defendant. There is no valid reason why the defense should be allowed twice as many as the State in a criminal case.

The other matters with reference to criminal administration which shall be dealt with by bills hereto attached are sufficiently covered in my former report, but which suggestions are now renewed.

A statute should be enacted providing that whenever a defendant indicted for any degree of homicide is convicted of a lesser degree, and the judgment of conviction is reversed, upon his appeal, or if a new trial be granted by the trial court upon the motion of the defendant, then in that event the defendant should be placed upon trial for the crime charged in the indictment as if there had been no previous trial. Under the present system, a defendant, after conviction, has all to gain and nothing to lose. In a civil case, a new trial opens the whole case, and thereby often deters a party from appealing, and I am sure that a statute of this character would prevent many appeals in homicide cases, and tend to the better administration of justice, and would cause no one to suffer any injustice, while under the present system, an injustice is done society.

Another matter which cannot be too strongly urged upon the Legislature is where a defendant, after indictment, pleads insanity, that this plea should be tried separately from the plea of not guilty.

The plea of not guilty by reason of insanity should also, in my opinion, be tried by a separate jury.

The present system in Alabama allows the same jury to try both issues, but the Code directs that if they find the defendant not guilty by reason of insanity, that they shall so report to the court, and it thereupon becomes the duty of the court to organize a jury to try the question as to whether such insanity in any wise continues.

In all the criminal history of this State, I have been able to learn of but a single instance in which a jury has rendered a verdict of not guilty by reason of insanity, although it is a matter of common knowledge that this is a very popular defense to cold-blooded, willful and

deliberate murder, and it is often accepted by the juries when the juror will himself tell you that he was firmly convinced that the man was sane, but accepted the excuses which this plea allows the defendant to present, and which were presented for the sole purpose of trying the case upon a false issue. This change in our method of criminal procedure will, in my opinion, do more to reduce the number of homicides in Alabama than all the other remedies which have been suggested. In fact, this plea is not now even referred to as a plea of insanity, but as a plea of the unwritten law.

A matter of vital importance is the system of special charges prevailing in this State. The recommendation of my predecessor, following the statute, was confined to criminal cases, but this defect in our system is so glaring, and applies as much to civil as to criminal cases, that I cannot refrain from making my recommendation cover both. That our special charge system is a vicious one, and one which tends to defeat rather than to promote the administration of justice, no lawyer can deny. At a special session of the State Bar Association held in the city of Montgomery while the Legislature was in session during the early part of the year of 1911, I presented to that association a resolution upon this subject, and after careful consideration and discussion, a bill was drafted and recommended by the association to the Legislature, but the bill was allowed to sleep in committee and never saw the light of day.

This special charge system is of more injury to the State of Alabama in the enforcement of its laws and the administration of justice, both civil and criminal, than all other defects which would be pointed out.

The authority of the Attorney General is too circumscribed to allow him to be in fact, as he is in theory, the chief law officer of the State. He has no authority what-

ever in criminal matters except after an appeal is taken and the record filed in the Supreme or Appellate Court. This should not be so. He should have authority to appear in person, or by assistant, before any grand jury in the State and present any matter or charge to them for investigation with the same authority as is now vested in the solicitor. Authority should likewise be conferred upon him in person, or by assistant, to take charge of any criminal case at any time he sees proper, either before or after indictment, the solicitor being required to assist him in such cases when requested.

He should employ, when in his judgment it is for the public good, with the approval of the Governor, all special counsel, who should be under his direction and control, and should perform the duties assigned them as special Assistant Attorneys General. No special counsel should be employed by any other officer or authority of the State. I repeat, he should be in fact, as he is in theory, in charge of the State's legal department.

Whenever any proceeding is instituted in the name of the State upon the relation of any citizen, a copy of such information should be required to be served upon the Attorney General, and he should be authorized to appear in such cause, if he considers the question involved of sufficient importance to the State, and represent the interest of the State, whether this interest of the State, in his judgment, be with the relator or opposed thereto.

The solicitors should be required to advise the county commissioners and boards of revenue and the county officials of the counties within their jurisdiction whenever requested, as to any matters connected with their office, or the affairs of the county, and to represent the county in all suits which may be brought by or against it, and to represent all county officials, when requested, and the matter involved is one that affects their official

acts, not however, including suits upon their official bonds. The solicitor should also be required to institute in the name of the State any proceeding which the Attorney General is authorized to institute, when directed so to do by the Attorney General in writing. He should also be required to represent the State in all matters affecting the public revenue which arise within his jurisdiction.

A statute should be enacted providing that all bills of exceptions in criminal cases must be tendered to the trial judge within forty-five days after sentence, and signed by him within twenty days thereafter; all appeals in criminal cases to be taken within thirty days after sentence, and to be returnable to the Supreme Court or Appellate Court on the first Monday after twenty days from the signing of the bill of exceptions or taking of the appeal, and stand for submission on the second Thursday thereafter. All calls of divisions in criminal cases should be abolished.

Another matter to which the attention of the Legislature should be called, and which in my opinion would greatly advance the criminal jurisprudence of the State, is a substitution of the indeterminate sentence for the fixed sentence as prescribed by law. The Legislature should pass an act providing that upon the conviction of any person of a felony, the trial court should sentence such person to the penitentiary for a period not less than the minimum prescribed by-law, nor more than the maximum, and establishing a state board of parole, which board should be vested with the authority to release such convict upon parole at any time after the expiration of the minimum sentence provided by law upon such conditions as in the judgment of the board might be deemed proper, and such board authorized to revoke such parole for a violation of any of the conditions thereof.

Of course, no action by the Legislature could deprive the Governor of his constitutional power to grant a parole, or a pardon, but those provisions of the Constitution would not prevent the Legislature from also vesting this power in the Board of Parole, as a method of determining the length of sentence which should be imposed upon a convict.

This method has been tried in a number of states, and I have corresponded with all the states in the union in reference thereto, and without exception the reports from the states in which this method has been adopted, has been favorable, and indicate that it is the best method yet devised of dealing with convicted criminals.

I have visited during my term of office, the different institutions, of which, as Attorney General, I am ex-officio Trustee, and cannot close this letter without directing attention to the great work being done by the Alabama Boys' Industrial School, and the Alabama Home of Refuge, located at East Lake. These two institutions, the first for the reformation of wayward and criminal boys, and the other for the reformation of wayward girls, are doing a great work, which should meet with the response of every citizen of this State, and it should be the duty of the Legislature, as the guardian of the interests of the State, to forward it in every possible manner. Assistance given to these institutions would do more to cause the youth of the State, who are criminally or immorally inclined, to direct their course toward the paths which lead to the making of better men and women, than any punitive law that ever has or ever can be written, for the work of these institutions is truly reformatory in its character.

Respectfully submitted,

ROBERT C. BRICKELL,
Attorney General.

BILLS RECOMMENDED FOR PASSAGE BY LEGISLATURE.

A BILL

To be entitled an Act "To amend Section 32 of an Act "To prescribe the qualifications of jurors, and regulating the selection, drawing and summoning of jurors, and prescribe the qualifications and provide for the appointment of jury commissioners and clerks of such commissions, and to regulate the empaneling of grand and petit juries in all courts of this state," approved August 31, 1909.

Section 1. *Be it enacted by the Legislature of Alabama:* That section 32 of an act entitled "An act to prescribe the qualifications of jurors and regulate the selection, drawing and summoning of jurors, and prescribe the qualifications and provide for the appointment of jury commissioners and clerks of such commissions and regulate the empaneling of grand and petit juries in all the courts of this state," approved August 31, 1909, be amended so as to read as follows:

Sec. 32. All laws, general, special or local, regulating the selection, drawing, summoning or empaneling of grand or petit juries, or prescribing the qualifications of jurors, or defining who are exempt from jury service, or exempting certain persons or classes of persons, from service upon juries, are hereby expressly repealed, it being the intent of the Legislature that this act shall be the exclusive law on such subjects, in all of the courts of the state of Alabama. Provided, that in all civil cases tried by jury the right of challenge and the number of challenges for each party and the right to have a struck jury, shall remain as now provided by law, but in every criminal case the jury shall be drawn, selected and empaneled as follows:

Upon the trial by jury in any court of any person indicted for a misdemeanor, or felonies not punished capitally the court shall require two lists of all the regular jurors empaneled for that week, who are competent to try the defendant, to be made, and the solicitor shall be required first to strike from the list the name of one juror, and the defendant shall strike one, and they shall continue to strike off names alternately until only twelve jurors remain on the list, and these twelve thus selected shall be the jury charged with the trial of the case. If for any cause the regular number of jurors competent to try the defendant is reduced below 24, the court must cause twice the number of the deficiency, who live within five miles of the court house, or who live within the corporate limits of any city of 10,000 or more inhabitants, in which the court shall be held, to be drawn and summoned, and the names of those appearing who are competent to try the defendant must be placed on the list of regular jurors for that week, and the solicitor and defendant shall in like manner, as hereinbefore provided, be required to strike from the list thus made up the names of jurors as provided until twelve remain who shall be charged with the trial of that case.

Whenever any person or persons stand indicted for a capital felony, the court must, on the first day of the term, or as soon thereafter as practicable, make an order commanding the sheriff to summon not less than fifty nor more than one hundred persons including those drawn on the regular juries for the week set for the trial of the case, and shall then in open court draw from the jury box the number of names required with the regular jurors drawn for the week set for the trial to make the number named in the order, and shall cause an order to be issued to the sheriff to summon all persons named therein to appear at court on the day set for the trial of the defendant, and must cause a list of the names of all jurors drawn for the week in which the trial is set, and those drawn as provided in this section, together with a copy of the indictment, to be forthwith served on the defendant by the sheriff, and the defendant shall not be entitled to any other or further notice of the jurors summoned or drawn

for his trial, nor of the charge of the indictment upon which he is tried. Provided, that if the defendant be upon bail the list of jurors and copy of the indictment may be served upon the attorney or attorneys representing the defendant. On the day set for the trial, if the cause is ready for trial, the court must inquire into and pass upon the qualifications of all the persons who appear in court in response to the summons as jurors, and shall cause the names of all those whom the court may hold to be competent jurors to try the defendant or defendants, to be placed on a list, and shall require the solicitor to strike off one name, and the defendant or defendants to strike off one name, and they shall in this manner continue to strike alternately names from the list until only twelve names remain thereon. The twelve thus selected shall be sworn and empaneled as required by law, for the trial of the defendant or defendants.

If in any capital case the number of competent jurors shall be less than twenty before requiring any of them to be stricken off, the court must draw as prescribed in this act, and have summoned enough qualified jurors who are within or live within five miles of the courthouse or who live within the corporate limits of a city of 10,000 or more inhabitants, in which the court is held, to increase the number to at least thirty, and have the names placed on the list with the other competent jurors, and shall then require the solicitor and the defendant or defendants to strike from the list as provided in this section the number of jurors that each may be entitled to strike off until only twelve remain thereon, and these 12 shall be sworn and empaneled as the jury for the trial of the defendant or defendants. If any defendant or defendants should refuse to strike the number of jurors allowed him by this act, from the list furnished him, under the direction of the court, then the presiding judge shall proceed to strike off all the names on the list except those stricken by the solicitor, until there remains only twelve, and these shall constitute the jury for the trial of the defendant or defendants. If the sheriff fails to summon any of the jurors drawn, or any juror summoned should fail or refuse to attend the trial, or if there is any

mistake in the name of any juror drawn or summoned, none nor all of these grounds shall be sufficient to quash the venire, or continue the cause. Provided, further, that whenever the judge of any court trying capital felonies shall deem it proper to set two or more capital cases for trial on the same day, said judge may draw and have summoned one jury or one venire facias of petit jurors for the trial of all such cases so set for trial on the same day.

A BILL

To be entitled an Act "To regulate appeals in criminal cases."

Section 1. *Be it enacted by the Legislature of Alabama:* That all appeals from a conviction in a criminal case shall be taken by filing with the clerk of the court in which the conviction was had of a statement in writing signed by the party convicted, or by his attorney, to the effect that he desires to appeal from such conviction to the Supreme Court or Court of Appeals as the case may be, which statement shall be filed with such clerk within thirty days after sentence is pronounced by the court, and not afterwards.

Sec. 2. That all bills of exceptions in criminal cases shall be prepared or may be established as in civil cases, except as provided in this act.

Sec. 3. That all bills of exceptions in criminal cases must be presented to the trial judge within 45 days after sentence has been pronounced by the court, and the true date of the presentation of the bill of exceptions must be endorsed thereon by the judge, and the bill of exceptions must be signed by him within 20 days after the presentation thereof to him, and the judge must file said bill of exceptions in the clerk's office as soon as signed by him.

Sec. 4. That where notice has been given for an appeal as hereinabove provided, and no bill of exceptions has been filed with the clerk of the court within 65 days after sentence has been pronounced, it shall be the

duty of the clerk to immediately prepare a transcript of the record in such cause and forward the same to the Clerk of the Supreme Court or the Clerk of the Court of Appeals, as the case may be, by the first Monday after the expiration of twenty days thereafter, or if a bill of exceptions is filed with him, within 65 days after sentence is pronounced, then to forward to the Clerk of the Supreme Court or the Clerk of the Court of Appeals, as the case may be, a transcript of the record in such cause by the first Monday after the expiration of twenty days from the date said bill of exceptions is filed in his office.

Sec. 5. That all calls of divisions in respect to criminal cases be and they are hereby abolished, and all criminal cases shall be submitted to the court to which an appeal is taken on the second Thursday after the transcript of the record shall have been filed with the Clerk of the Supreme Court or the Clerk of the Court of Appeals, if the court be then in regular session, otherwise the first Thursday thereafter upon which said court is in regular session; provided, the court may by agreement, or for good cause shown to it, pass or continue said cause.

Sec. 6. That unless a transcript in a criminal cause is filed with the clerk of the court to which the appeal is taken in accordance with the provisions of this act, the appeal shall be dismissed unless good cause is shown to the court by affidavit or affidavits not later than the Thursday on which it should be submitted, why said transcript was not filed by the time herein provided, which such affidavit or affidavits shall have been submitted to the Attorney General not later than the Monday preceding.

Sec. 7. That in all criminal causes wherein the State is the appellant, the notice of appeal may be given either by the Attorney General or by the solicitor prosecuting said cause and such appeal shall be subject to all the provisions of this act.

Sec. 8. That all laws and parts of laws either general, special or local, in conflict with the provisions of this act be and the same are hereby repealed.

A BILL

To be entitled an Act "To amend Section 5364 of the Code of 1907."

Section 1. *Be it enacted by the Legislature of Alabama:* That section 5364 of the Code of 1907, be and the same is hereby amended so as to read as follows:

Sec. 5364. Charges moved for by either party must be in writing, and must be given or refused in the terms which they are written, and it is the duty of the Judge to write "given" or "refused," as the case may be, on the document, and sign his name thereto, which thereby becomes a part of the record; and charges which are given must be taken by the jury with them on retirement, and those refused must be retained by the clerk. Provided, that whenever any such special charges are moved for by either party, and an appeal is taken from the judgment rendered in such case, not only the charges refused to the party appealing, but also the charges given at his request, and the general charge of the court must be incorporated in and form a part of the bill of exceptions, and unless such given charges and the oral charge are incorporated in the bill of exceptions, the cause shall not be reversed upon appeal for the failure to give any refused charge. Nor shall such cause be reversed upon appeal for the failure to give such refused charge unless the court to which the appeal is taken be of the opinion, after considering such refused charge in connection with the general charge of the court, and the charges given by the court, that such refused charge asserts a correct proposition of law, applicable to the case, which was not sufficiently covered either in the general charge of the court, or in the charges given at the request of the party appealing.

Sec. 2. This act shall apply to all causes, both civil and criminal, and all laws, general, special or local, in conflict with the provisions hereof, be and the same are hereby expressly repealed.

A BILL

To be entitled an Act "To further prescribe the duties of Solicitors."

Section 1. *Be it enacted by the Legislature of Alabama:* That from and after the passage of this act, the several solicitors of the Circuits or Counties, or City, County or Law and Equity Courts, having and exercising jurisdiction concurrent or equal with Circuit Courts, by whatsoever name they may be designated, shall be required, in addition to the duties now imposed upon them by law, to advise the County Commissions or Boards of Revenue, and the officials of the various counties within their jurisdiction whenever requested as to any matters connected with their respective offices or with the affairs of the county, and to represent such officials, and the county, in all suits which may be brought by or against them, unless the matter involved be a suit against a county officer upon his official bond, or a suit which is instituted by the State or the county.

Sec. 2. That such solicitors shall also be required to institute in the name of the State any proceedings which the Attorney General is authorized to institute, when directed so to do by the Attorney General, and shall also be required under the direction of the Attorney General to represent the State in all civil matters arising within his jurisdiction, when directed by the Attorney General so to do. Provided, that where there are two or more solicitors having jurisdiction in any county, the duties enjoined by this act shall be performed by either, as selected by the Attorney General or the county officers.

Sec. 3. That all laws and parts of laws, either general, special or local, in conflict with the provisions of this act be and the same are hereby expressly repealed.

A BILL

To be entitled an Act "To regulate the trial of a plea of insanity in criminal cases."

Section 1. *Be it enacted by the Legislature of Alabama:* That from and after the passage of this act no

plea of insanity as a defense to any indictment charging a criminal offense shall be received or allowed in any court in this state unless the same is interposed at or before the arraignment of the defendant.

Sec. 2. Be it further enacted that in the event such a plea of not guilty by reason of insanity is interposed as a defense to any indictment charging the defendant with a criminal offense, the court shall immediately empanel a jury to try the issue as to the sanity or insanity of the defendant at the time of the commission of the crime, and the only question to be decided by the jury shall be whether or not the defendant was insane at the time of the commission of the crime, and no other issue shall be submitted to or passed upon by the jury.

Sec. 3. If the verdict of the jury be that the defendant was insane at the time of the commission of the offense, it shall then be the duty of the court to commit him to the proper institution of the state for the care of the insane, but if the verdict of the jury be that the defendant was sane at the time of the commission of the offense, the court shall then set a day for the trial of the defendant for the crime charged in the indictment, and upon such trial no plea of insanity shall be allowed to be interposed.

Sec. 4. That all laws and parts of laws in conflict with the provisions of this act be and the same are hereby repealed.

A BILL

To be entitled an Act "To further prescribe the authority and duties of the Attorney General and his Assistants.

Section 1. *Be it enacted by the Legislature of Alabama:* That the Attorney General shall have authority either in person or by assistant, to appear before any grand jury in this State and to present any matter or charge to them for investigation, and to prepare and present to said grand jury indictment or indictments for any violation of the laws of this State in the same manner and to the same extent as solicitors are now or may hereafter be authorized by law to do.

Sec. 2. That the Attorney General, either in person or by one of his assistants shall have the authority at any time he sees proper, either before or after indictment to take charge of the prosecution of any criminal cause in any of the courts of this State. Provided, it shall be the duty of the solicitor prosecuting in such court, to assist and act in conjunction with the Attorney General or his assistant in such cause.

Sec. 3. That all laws and parts of laws, either general, special or local, in conflict with the provisions of this act, be and the same are hereby expressly repealed.

A BILL

To be entitled an Act "To Provide the effect of a verdict finding a party charged with crime guilty of a less degree than that charged in the indictment upon a subsequent trial for the same offense."

Section 1. *Be it enacted by the Legislature of Alabama:* That in all criminal cases where the crime is committed after the passage of this act and the defendant, after conviction, shall appeal to the Supreme or Appellate Court, and the judgment of conviction shall be reversed upon such appeal, or a new trial is granted the defendant, upon his motion by the trial court, and the offense is one of degrees, and the defendant has been found guilty, but in a less degree than that charged in the indictment, such verdict or the judgment entered thereupon shall not operate as an acquittal of the higher degree or degrees of the offense charged in the indictment, and the defendant upon such new trial, whether granted by the trial court or obtained as the result of a reversal upon appeal of the judgment of conviction, shall be placed upon trial for the crime charged in the indictment as if there has been no previous trial.

Sec. 2. That upon such new trial, whether the same is had as the result of a motion for a new trial, made by the defendant, or as the result of a reversal of the judgment upon appeal, the fact that the defendant was con-

victed on the former trial of a less degree of the offense than that charged in the indictment, shall not be pleaded as reducing the grade of the offense charged in the indictment, but that the defendant shall be tried and may be convicted of the highest grade of the offense charged in the indictment.

Sec. 3. That all laws and parts of laws in conflict with this act be and the same are hereby repealed.

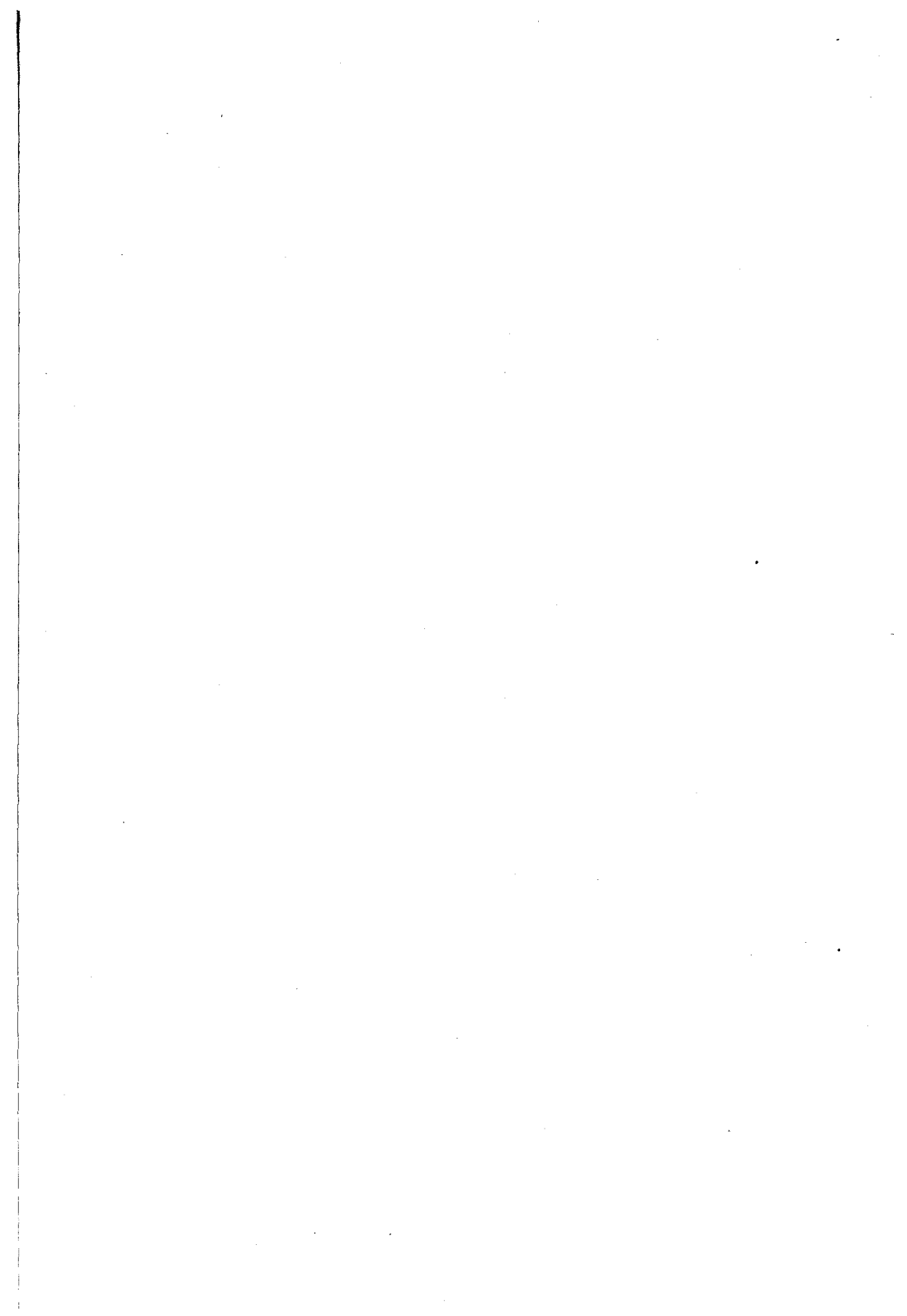
A BILL

To be entitled an Act "To provide for the employment of special counsel by the state, and the manner of payment therefor."

Section 1. *Be it enacted by the Legislature of Alabama:* That from and after the passage of this act, whenever, in the opinion of the Attorney General it shall be deemed expedient to employ any special counsel to assist him in the conduct of any of the business of the State, or to assist in the prosecution of any criminal cause, he may employ such special counsel, and agree with such special counsel upon his compensation, which shall be paid out of any money in the state treasury not otherwise appropriated, upon the Auditor's warrant drawn upon the certificate of the Attorney General, approved by the Governor. Provided, however, that before any special counsel shall be employed, such employment, and the compensation to be paid such special counsel must be approved by the Governor.

Sec. 2. That such special counsel, when employed under the provisions of this act shall act under the direction and supervision of the Attorney General, and shall be designated as a special assistant Attorney General.

Sec. 3. That all laws and parts of laws in conflict with this act be and the same are hereby expressly repealed, and no special counsel shall be employed by the State, or paid out of the State Treasury, except in accordance with the provisions of this act.



CIVIL CASES
PENDING AND DISPOSED OF
FROM
OCTOBER 1st, 1912 TO SEPTEMBER 30th 1914

CIVIL CASES

PENDING AND DISPOSED OF DURING THE
PERIOD FROM OCTOBER 1ST, 1912, TO
OCTOBER 1ST, 1914.

RAILROAD RATE CASES.

In my last report it was stated that an appeal would be taken to the Supreme Court of the United States from the decree of the United States District Court at Montgomery enjoining the Railroad Commission from enforcing as against the Louisville & Nashville Railroad Company, the South and North Alabama Railroad Company, the Nashville, Chattanooga & St. Louis Railroad Company, the Central of Georgia Railway Company, and the Western Railway of Alabama, the freight and passenger acts of the Legislature of 1907.

On December 24th, 1913, these appeals were perfected, but under an agreement made by the Railroad Commission and the Governor with these roads, the appeals were dismissed during the Month of March, 1914. In this connection, it is necessary to review the history of the litigation between the railroads and the Railroad Commission since my former report.

Shortly after the injunction granted by Judge Jones in the principal cases above referred to, the Railroad Commission issued citations to all the railroads who

had obtained injunctive relief in the federal court, citing them to show cause why a reasonable passenger rate should not be established upon their respective roads, and in February, 1913, an order was issued by the Railroad Commission, requiring the Louisville & Nashville Railroad Company to establish an intrastate passenger rate of two and a half cents per mile for adults, and one and one-quarter cents per mile for children under the age of twelve years.

Immediately upon the making of this order, the Louisville & Nashville Railroad Company applied to the United States District Court for an order annulling the order of the Railroad Commission as to passenger rates, and adjudging said passenger rate order to be in contempt of court as a violation of the injunctive decree of April 2, 1912.

After a hearing upon this citation before Judge W. I. Grubb, at Montgomery, in which the Railroad Commission was represented by Judge S. D. Weakley, one of the Special Counsel retained in said cause, and the Attorney General, Judge Grubb dismissed the citation, and adjudged that the order of the Commission was not in contempt of the decree of the United States Court.

A few days thereafter an application was made by the railroads to Judge Grubb for an appeal from his order dismissing the citation, and refusing to adjudge the Commission in contempt, and suspending the enforcement of the order of the Commission until the decision upon this appeal. At this hearing the Railroad Commission was represented by the Attorney General. Judge Grubb declined to suspend the enforcement of the order of the Commission pending an appeal, but stated that he would allow the appeal.

No appeal from this order of Judge Grubb was perfected, but the railroad filed a supplemental bill in the

United States District Court at Montgomery, seeking to enjoin the enforcement of the order of the Commission, and upon the filing of this bill, Judge Grubb granted a temporary restraining order enjoining the enforcement of the orders of the Commission until the application for a temporary injunction could be passed upon by a special tribunal of three judges in accordance with the act of Congress.

The application for the temporary injunction was heard before United States Circuit Judges Pardee and Shelby, and District Judge Grubb at Atlanta, in June, 1913, and upon this hearing the Railroad Commission was represented by Judge S. D. Weakley and Hon. H. C. Selheimer, special counsel, and the Attorney General, and after consideration for several weeks, an order was made by Judges Shelby and Grubb denying the temporary injunction, Judge Pardee dissenting, and the passenger rate as fixed by the order of the Commission, became of force and effect in August, 1913. The railroad then attempted to obtain from Judges Pardee, Shelby and Grubb, an appeal from the order denying the injunction to the Supreme Court of the United States, coupled with an order suspending the enforcement of the order of the Commission pending the decision of the Supreme Court upon such appeal. The application for the suspension of the order of the Commission pending the appeal was successfully resisted. An application was then made before Justice Lamar of the Supreme Court of the United States for a similar order, which application was heard by Justice Lamar at Washington, in September, 1913, at which hearing the Commission was represented by Judge Weakley and the Attorney General, and the application for the suspension of the order of the Commission pending such appeal was successfully resisted.

A similar order fixing the passenger rates was made as against the Western Railway of Alabama, and the Central of Georgia Railway Company, and these companies filed their supplemental bills, seeking to enjoin the enforcement of this order as against each of them, and were granted temporary restraining orders by Judge Grubb, restraining the enforcement of the order of the Commission until an application for a temporary injunction could be heard before the special tribunal above referred to.

These applications for temporary injunctions were heard before Circuit Judge Shelby, and District Judges Grubb and Sheppard at Huntsville in October, 1913, at which hearing the Railroad Commission was represented by Judge S. D. Weakley, special counsel, and the Attorney General, and the application for the temporary injunction was denied.

A similar supplemental bill was filed by the South and North Alabama Railroad Company, and a similar temporary restraining order granted by Judge Grubb. The application for injunction in this case was heard at Birmingham, before Circuit Judge Shelby, and District Judges Grubb and Niles, the Railroad Commission being represented by Judge S. D. Weakley, Hon. H. C. Selheimer, Special Counsel, and the Attorney General.

This application for temporary injunction was denied by the three judges, so that on January 1st, 1914, the passenger rates fixed by the Commission were in force and effect on all the railroads except the Nashville, Chattanooga and St. Louis Railway Company, against which no order had as yet been made by the Commission.

Subsequently an order fixing the same rates upon that road was made by the Commission, and a similar

bill filed by that company, and a similar restraining order granted.

The application for temporary injunction in this case was heard before Circuit Judge Pardee, and District Judges Grubb and Foster at New Orleans in February, 1914, the Railroad Commission being represented by Judge S. D. Weakley, Special Counsel, and the Attorney General, but this application was never passed upon by the special tribunal, because of the settlement affected by the railroads and the State.

The settlement as affected by the Railroads and the State was as follows:

This Memorandum of Agreement made and entered into by and between the Louisville & Nashville Railroad Company, the Nashville, Chattanooga & St. Louis Railway, the Western Railway of Alabama, and the Central of Georgia Railway, hereinafter called the Railroad Companies, parties of the first part, and Charles Henderson, Leon McCord, and Frank N. Julian, constituting the Railroad Commission of Alabama, hereinafter called the Commission, parties of the second part;

Witnesseth: That, Whereas, The Railroad Companies and the South and North Alabama Railroad Company (whose properties, rights, and franchises, etc., have since been conveyed to the Louisville & Nashville Railroad Company, which now owns the same in 1907 brought their several suits in equity in the Circuit Court (now the District Court) of the United States for the Middle District of Alabama, at Montgomery, against the Commission, to enjoin and restrain the enforcement of certain freight and passenger rates fixed by statute and orders of the Commission, and after about five years' litigation, decrees of said court were entered in said suits, granting the relief sought therein, and

Whereas, afterwards in 1913, the Commission, upon citation and hearing, entered and promulgated its orders whereby the passenger rates of the Railroad Companies on all their main and branch lines in Alabama, were reduced from the standard rate of 3 cents per mile and fixed at the standard rate of two and one-half cents per mile for adults, and from one and one-half cents per mile to one and one-quarter cents per mile for children not over twelve and not under 5 years of age, and required the Railroad Companies on and after certain dates to publish and make effective, joint rates between all points in Alabama, between which they then had such joint rates and that the proportion of such joint rates of each of the Railroad Companies should not exceed the standard rates above described, and

Whereas, The Railroad Companies by supplemental bills filed in their several suits in the District Court of the United States for the Middle District of Alabama, obtained temporary restraining orders, enjoining and restraining the enforcement of the reductions by the Commission of their passenger rates as aforesaid, until their applications for interlocutory injunctions enjoining such reduced passenger rates were heard and determined, which applications, (except that of the Nashville, Chattanooga & St. Louis Railway, which is yet pending and undetermined) have since been, after hearing, denied, from which orders denying the applications aforesaid, appeals have been taken or are about to be taken by the Railroad Companies to the Supreme Court of the United States, and

Whereas, Appeals to the Supreme Court of the United States, have been taken or are about to be taken against some or all of the Railroad Companies by the Commission from the decree of said court rendered in

1912, in favor of the several Railroad Companies in their said original suits, and

Whereas, It is desired by the Railroad Companies and the Commission (with the approval of the Governor of the State of Alabama) to make an amicable settlement of said litigation, on fair and reasonable terms, and to save all parties concerned from further expenses, costs, and attorneys' fees, as well as to remove a feeling that may have engendered among the people against the Railroad Companies on account of said litigation:

Now, Therefore, it is mutually agreed, by way of compromise of the said existing controversies, between the parties hereto as follows, to-wit:—

First: It is hereby agreed and understood by the parties hereto that the said supplemental bills filed by the Railroad Companies, respectively, in said Court to obtain injunctions to enjoin and restrain the standard passenger rates fixed by the orders of the Commission as aforesaid shall be at once dismissed agreed and settled; and the Railroad Companies hereby agree to put and continue in force and effect on all their respective lines in Alabama, unless and until hereafter changed according to law, said passenger rates as fixed by the Commission, with a minimum charge of ten (10) cents per passenger, and further obligate themselves on or before July 1st, 1914, to apply by proper tariffs and schedules said standard intrastate passenger rates as fixed by the Commission, to and in the construction of the interstate passenger rates of the railroad companies respectively to the distance of the mileage of their respective lines in Alabama, whether from, into, or through Alabama, and keep such interstate passenger rates in force and effect so long as such local or intrastate passenger rates, fixed by the Commission as aforesaid, shall

be and remain as the standard local or intrastate passenger rates in Alabama.

Second. The Commission hereby agrees and undertakes to withdraw and dismiss at once all the appeals to the Supreme Court of the United States taken or about to be taken against the Railroad Companies or any of them from the decrees rendered in 1912, in said original suits in said court, and not to prosecute hereafter any appeal therefrom against the Railroad Companies or either of them.

Third: Nothing contained herein, nor in said injunctive decrees rendered in 1912 shall be construed or pleaded as precluding the Commission from hereafter exercising its lawful powers concerning the revision of freight and passenger rates, for the future, on complaint or its own motion, after notice and hearing, nor as precluding the Railroad Companies from applying hereafter to and obtaining from said Commission changes or increases in their freight and passenger rates, or either, as provided by law.

Fourth: It is further understood and agreed that nothing in this agreement shall be construed as the final results of litigation or as a voluntary concession on the part of the Railroad Companies, or as a determination of any kind that the standard passenger rates fixed by the Commission as aforesaid are just and reasonable rates for the services performed.

Fifth: It is further understood and agreed that in the making of this settlement and providing for the dismissal of the pending litigation as aforesaid, there is to be no liability upon the Railroad Companies or either of them growing or arising out of the bonds they were required to give on securing temporary restraining orders granted and issued by the court in 1913, on

the filing of said supplemental bills in the suits aforesaid, nor on account of the failure of the Railroad Companies to put into force and effect the said standard passenger rates prescribed by the Commission for the respective dates fixed by said court upon the denial of applications for interlocutory injunctions as prayed for in said supplemental bills.

In Witness Whereof, the parties hereto have signed their names hereunto this agreement in quintuplicate this February 21, 1914.

(Signed)

Louisville & Nashville Railroad Company,

By Henry L. Stone, General Counsel, and
William A. Colston, General Solicitor.

Nashville, Chattanooga & St. Louis Railway,

By H. F. Smith, Vice-President.

Western Railway of Alabama,

By R. E. Steiner, Its Attorney in Fact and
Assistant General Counsel.

Central of Georgia Railway Company,

By R. E. Steiner, Its Attorney in Fact and
Special Counsel.

CHARLES HENDERSON, President,

LEON McCORD,

FRANK N. JULIAN,

*Constituting Railroad Commis-
sion of Alabama.*

Approved by:

EMMET O'NEAL,

Governor of the State of Alabama.

ROBERT C. BRICKELL,

Attorney General.

Since the making of this agreement orders have been issued by the Railroad Commission fixing freight rates upon the Louisville & Nashville Railroad Company, the Western Railway of Alabama and the Central of Georgia Railway Company, with which orders of the Railroad Commission these roads have complied and the rates as fixed by the Commission are now in effect.

RAILROAD COMMISSION OF ALABAMA v. CENTRAL OF
GEORGIA RAILWAY COMPANY.

BEFORE THE INTERSTATE COMMERCE COMMISSION.

This proceeding was treated of in the report of my predecessor, being a proceeding instituted by the Railroad Commission of Alabama to require the defendant railway company to establish a rate on compressed cotton.

At the institution of these cases, the Hon. Chas. D. Drayton, Washington, D. C., was associated with the State as counsel for the Railroad Commission.

This cause was heard by Commissioner Clements both in Montgomery and Atlanta, and after long consideration by the Commission, the cause was restored to the docket and an order made to take further testimony, and is still pending.

ROBERT BEASLEY v. W. W. BRANDON, AUDITOR.

This cause was treated of in the report of my predecessor and was revised against C. B. Smith, as the successor of W. W. Brandon as State Auditor.

This was a mandamus proceeding instituted on the 24th day of May, 1910, to require the Auditor to draw his warrant in favor of petitioner, a Confederate pensioner, for an amount larger than that which the Auditor had theretofore been paying to the petitioner.

This cause was dismissed on motion of the respondent.

NORTHERN ALABAMA RAILROAD COMPANY v. RAILROAD
COMMISSION OF ALABAMA.

IN THE CITY COURT OF MONTGOMERY, IN EQUITY.

This case was also referred to in the report of my predecessor. This is a bill to enjoin the enforcement of an order of the Railroad Commission to require the erection of a union depot at Jasper, Alabama. This cause was decided against the Railroad Commission in the City Court of Montgomery, but on appeal the decision of the lower court was by the Supreme Court reversed, and a judgment rendered in the Supreme Court dismissing the bill.

NASHVILLE, CHATTANOOGA & ST. LOUIS RAILWAY COM-
PANY v. RAILROAD COMMISSION OF ALABAMA.

This was a proceeding in the Chancery Court at Montgomery upon an appeal by the Nashville, Chattanooga & St. Louis Railway Company from an order of the Railroad Commission requiring the operation of a passenger train between Guntersville and Attalla once a day each way on Sundays. On final submission on the

merits, it was decided in favor of the Commission and the bill dismissed, and the railroad is now complying with the order of the Commission.

KANSAS CITY, MEMPHIS & BIRMINGHAM RAILROAD COMPANY v. J. P STILES, JUDGE OF PROBATE.

IN THE CITY COURT OF BIRMINGHAM.

This is a suit by the Kansas City, Memphis & Birmingham Railroad Company v. J. P. Stiles, Judge of Probate of Jefferson County to recover franchise tax paid by it, as a corporation, under Section 12 of the Revenue Bill.

This case was decided in favor of the State in the City Court, and this decision of the City Court was affirmed by the Supreme Court upon appeal.

RAILROAD COMMISSION OF ALABAMA v. ALABAMA GREAT SOUTHERN RAILROAD COMPANY, ET AL.

IN THE CITY COURT OF BIRMINGHAM.

This is an application by the Railroad Commission for a writ of mandamus requiring the defendant railroads to comply with the order of the Commission for the erection of a union depot in the City of Bessemer.

This case was decided against the Commission in the City Court of Birmingham upon demurrer, but upon appeal the ruling of the City Court was reversed by the Supreme Court, and the cause is now pending for hearing upon the merits.

SINGER SEWING MACHINE COMPANY v. ROBERT C.
BRICKELL, ET AL.

IN THE UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF ALABAMA.

This was a suit by the Singer Sewing Machine Company to enjoin the collection of the tax imposed upon the selling of sewing machines by Section 32 of the Revenue Bill of 1911, the complainant claiming that the business in which it was engaged was interstate commerce. The District Court held that the business of the complainant was not interstate commerce and that they were liable for the tax except as to the business done in Russell county, in which instance, the court held that the business there done was interstate commerce, and that they were not liable for the tax in that county.

Upon appeal taken by the Singer Sewing Machine Company to the Supreme Court of the United States, this case was orally argued by the Attorney General before the Supreme Court, and resulted in the affirmation of the judgment of the District Court.

STATE OF ALABAMA v. SUDIE SCHMIDT.

IN THE CITY COURT OF TALLADEGA.

This suit was brought to test the constitutionality of the limitation of twenty years in which suits could be brought for the recovery of sixteenth section lands which limitation was contained in the Codes prior to the Code of 1907. Upon the result of this suit depended the title to a large body of school lands in this state.

The City Court of Talladega held that the limitation of twenty years was a valid defense. This decision was upheld upon appeal by the Supreme Court of Alabama, and upon a writ of error from that court to the Supreme Court of the United States, the decision of both the State courts was affirmed.

RAILROAD COMMISSION OF ALABAMA v. LOUISVILLE &
NASHVILLE RAILROAD COMPANY, ET ALS.

This is the case known as the A. & J. Stove Rate case, and involves the question of the rate upon stoves in crates, and is still pending in the City Court of Montgomery.

STATE OF ALABAMA v. W. H. STODDARD.

IN THE CITY COURT OF MONTGOMERY.

This is a suit by the State against Stoddard, as Captain of one of the companies of the Alabama State Troops for the loss of property in his care, and is still pending.

STATE OF ALABAMA v. GUICE.

IN THE CITY COURT OF MONTGOMERY.

This is a case of similar character as the case of State v. Stoddard.

RAILROAD COMMISSION OF ALABAMA v. CENTRAL OF
GEORGIA RAILWAY COMPANY, AND LOUISVILLE
& NASHVILLE RAILROAD COMPANY.

IN THE CITY COURT OF MONTGOMERY.

This is an appeal from an order of the Railroad Commission requiring these two roads to make a physical connection at Samson, and is still pending in the City Court.

STATE OF ALABAMA v. W. H. SANDERS

IN THE CITY COURT OF MONTGOMERY.

This is a suit by the State to recover excess of salary collected by Dr. Sanders, as State Health Officer. The cause was decided against the State in the City Court of Montgomery, and affirmed upon appeal by the Supreme Court.

STATE OF ALABAMA v. D. W. McIVER.

IN THE CITY COURT OF MONTGOMERY.

This is a suit by the State against D. W. McIver, for money paid out by him without authority of law as disbursing officer of the Alabama National Guard, and was settled by an order of the State Board of Compromise.

PITTSBURGH LIFE INSURANCE COMPANY v. C. B. BROWN.

IN THE CITY COURT OF MONTGOMERY.

This is a suit by the Pittsburgh Life Insurance Company for the refund of a certain tax required to be paid

by the Insurance Department as a tax upon premiums received by the plaintiff in Alabama. This case was decided in favor of the plaintiff in the City Court of Montgomery, but upon appeal the judgment of the City Court was reversed by the Court of Appeals, which judgment of the Court of Appeals was reversed upon certiorari by the Supreme Court, and an application for rehearing is now pending in the Supreme Court.

PROTECTIVE LIFE INSURANCE COMPANY v. CYRUS B.
BROWN.

IN THE CITY COURT OF MONTGOMERY.

This was a suit by the Protective Life Insurance Company against Cyrus B. Brown, as Insurance Commissioner, to collect certain taxes paid by it to the defendant as Commissioner of Insurance, under protest, was decided against the State in the City Court, but upon appeal to the Supreme Court the decision of the trial court was reversed and a judgment rendered in favor of the State.

ST. LOUIS & SAN FRANCISCO RAILROAD COMPANY v. THE
RAILROAD COMMISSION OF ALABAMA.

IN THE CITY COURT OF MONTGOMERY.

This was an appeal from an order of the Railroad Commission requiring the railroad company to furnish extra train service between Birmingham and Winfield, to stop certain trains at Sulligent, Carbon Hill, Cordova and Dora, and is still pending in the City Court.

BIGBEE FERTILIZER COMPANY v. C. B. SMITH.

IN THE CITY COURT OF MONTGOMERY.

This was a mandamus to compel the State Auditor to draw his warrant in favor of the petitioner for the refund of certain license taxes, under the provisions of the Act of August 25th, 1909. It was decided in favor of the Auditor in the lower court, but the decision of the lower court was reversed by the Supreme Court upon appeal.

STATE OF ALABAMA v. LOUIS S. BETTY, ET ALS.

IN THE CITY COURT OF MONTGOMERY.

This is a suit by the State to recover from the defendants money paid to them as members of the Governor's staff for the expenses of a trip to Washington at the inauguration of President Wilson, and was decided in favor of the State in the City Court, but is now pending upon appeal.

DANIEL W. TROY v. C. B. SMITH, AUDITOR.

IN THE CITY COURT OF MONTGOMERY.

This is an application for mandamus to compel the State Auditor to draw his warrant in favor of petitioner for services as Special Counsel under employment by the Governor in pursuance of the Act of the Legislature of 1907, amending Section 561 of the Code, and presents the question as to the constitutionality of that

act. The mandamus was denied in the City Court, and on appeal to the Supreme Court, the decision of the trial court was affirmed.

BRICKELL, ATTORNEY-GENERAL, v. D. W. SPEAKE, JUDGE.

IN THE SUPREME COURT.

This was an application by the Attorney General direct to the Supreme Court for a writ of prohibition directed to D. W. Speake, Judge of the Eighth Judicial Circuit, prohibiting him from entertaining petitions for habeas corpus presented by a party adjudged guilty of contempt by the Law and Equity Court of Morgan County for the violation of an injunction of that court against the maintenance of a liquor nuisance.

The writ was refused upon the first application, and upon application for re-hearing the opinion of the court was withdrawn, but the rehearing denied, the application for same having been made too late.

A second application presenting the same question was then made to the court, and the writ of prohibition granted.

STATE v. T. E. LOVEJOY.

This case arose from an appeal by Lovejoy as a stockholder in the Alabama Fidelity & Casualty Company, from the action of the Board of Revenue of Montgomery County in refusing to allow a deduction upon the assessed value of his stock in that company for the proportionate amount of property owned by that company exempt from taxation.

Upon appeal the trial court, the circuit court of Montgomery, feeling itself bound by the decision of the Supreme Court in the case of Elmwood Cemetery Company v. Tarrant, 170 Ala. 459, sustained the contention of the complainant, and set aside the assessment made by the Board of Revenue.

Upon appeal, the Court of Appeals, likewise deeming themselves bound by the decision in the Elmwood Cemetery case, affirmed the action of the lower court. Thereupon an application was made by the State to the Supreme Court for a certiorari to the Court of Appeals. This application was denied by the Supreme Court, and an application was then made by the State for a rehearing, upon which application the Supreme Court granted the rehearing, awarded the writ of certiorari, and expressly overruled the Elmwood Cemetery case, and remanded the cause to the Court of Appeals.

An application for rehearing was then filed in the Supreme Court by Lovejoy, but has been denied.

There have been numerous suits instituted by this office against officers of the various counties who were found by the reports of different examiners to be owing money to the State, but a review of these cases is not deemed of importance.

OPINIONS OF THE ATTORNEY GENERAL.

TAX COMMISSIONER—FEES OF.

October 9, 1912.

Hon. J. Lee Long, Chairman,
State Tax Commission,
Capitol.

Dear Sir:—

Your letter of the 8th inst., requesting me to advise you what fee the county tax commissioner is entitled to for serving citations issued by the court of county commissioners under the provisions of section 2250 of the Code, received.

I have examined this section of the Code, together with the other sections to which you refer in your letter, and am of the opinion, and so advise you, that the tax commissioner is entitled to the fee of twenty-five cents provided by section 2099 of the Code for tax assessors.

Yours truly,

ROBERT C. BRICKELL,
Attorney General.

MORTGAGE TAX—LIABILITY FOR.

October 9, 1912.

Hon. J. Lee Long, Chairman,
State Tax Commission,
Capitol.

Dear Sir:—

Your letter of the 8th inst., enclosing letter from Hon. G. J. Sorrell, Judge of Probate of Tallapoosa County, and requesting me to advise you thereon, received.

The proposition upon which Judge Sorrell desires to be advised is where a mortgage upon which the record tax has

been paid has become due and payable, but the parties by agreement extend the life of the mortgage from year to year upon the payment of interest, and no new mortgage or instrument of renewal is taken and recorded, whether the money so loaned and secured by the mortgage is liable to taxation as a solvent credit.

In reply, I beg to advise you that, in my opinion, such money is not liable to taxation as a solvent credit, and to so tax it would be in direct violation of the provision of the statute providing for the payment of a tax upon mortgages when they are filed for record.

Yours truly,

ROBERT C. BRICKELL,
Attorney General.

**ELECTION—NAME OF INDEPENDENT CANDIDATE ON
BALLOT.**

October 14, 1912.

Hon. Cyrus B. Brown,
Secretary of State,
Capitol.

Dear Sir:—

Your letter enclosing communication from Hon. J. B. Gaston, Judge of Probate of Montgomery County, and requesting me to advise you thereon, received.

From the letter of Judge Gaston, and the papers enclosed, it appears that the requisite number of qualified electors of the south-eastern revenue district of Montgomery county have petitioned W. H. Lawson to become a candidate for membership in the board of revenue from said district, and that the application and petition have been filed with him as judge of probate as required by law. Judge Gaston desires to know where upon the ballot he should print the name of Mr. Lawson.

Section 372 of the Code makes it the duty of the judge of probate to cause to be printed upon the ballot the name of

any qualified elector who has been requested to become a candidate by at least twenty-five electors qualified to vote in the election. Section 380 of the Code provides among other things, "In case of nomination by independent bodies, the ballot shall be so arranged that at the right of the last column for party nomination the several tickets of the names of the independent candidates shall be printed in one or more columns according to the space required, having above each of the tickets the political or other names selected to designate such independent nominations," and then sets forth a form of ballot with one column headed *Emblem* and underneath *Emblem*, the word *Democratic*; underneath the word *Democratic*, a circle. The same arrangement is made in the second column except that the word *Republican* is used in lieu of the word *Democratic*. The third column differs from both the first and the second in that there is no circle under the word *Independent* which takes the place of the words *Democratic* and *Republican* in the first and second columns

It is evident that the legislature intended the word *Independent* as used at the head of the ticket to cover the case of nominations by petition and not regular party nominations, as a further examination of the printed form of ballot forming part of section 380 will show. Under the heads of *Democratic* and *Republican* on the form of ballot set forth in the section, but one candidate for Governor appears, while under the head of *Independent*, three candidates appear.

After considering the entire matter, especially in view of the provisions of section 380 and the form of ballot prescribed in that section, I am of the opinion, and so advise you, that Judge Gaston should print the name of Mr. Lawson upon the ballot in that space headed *Independent*, and opposite the title of the office for which he is a candidate.

Yours truly,

ROBERT C. BRICKELL,
Attorney General.

PENSIONS—DEATH OF PENSIONER.

October 14, 1912.

Hon. John Purifoy,
State Treasurer,
Capitol.

Dear Sir:—

Your letter of the 9th inst., requesting me to advise you whether, after the pension roll is completed and a pensioner dies before October 1st following, the warrants for such pensioner should be disposed of under the provisions of section 27 of the act approved August 21, 1911, entitled an Act, "To provide pensions for Confederate soldiers and sailors and their widows, and for the payment and regulation of the same," or whether you should refuse payment thereof entirely, or limit payment to the amount payable to the widows of pensioners under the provisions of section 10 of the act, and how many, if any, of such warrants you should pay under the provisions of section 27, received.

The act above referred to is not a mere amendatory act, but is an act making a complete revision of the whole subject of pensions, evincing a legislative intent to deal with and cover the whole subject in this one act.

Under the provisions of section 24 of said act, the Auditor is required immediately after the first day of October in each year, to ascertain the amount of pension funds subject to distribution and to prorate the same, and by section 25 of the act, the money is to be paid quarterly on the first days of October, January, April and July of each fiscal year. The first day of October is fixed by law as the day for the beginning of the pension year, and should a pensioner die before the first day of October of any year, no pension could be due him during that year, and, therefore, his warrant could not be delivered to his widow under the provisions of section 27 of the act. However, the widow, upon proper proof being made as provided in section 10 of the act, would be entitled to be placed upon the pension roll.

I am, therefore, of the opinion, and so advise you, that under the circumstances indicated in your letter, you have no

authority to pay a warrant of such deceased pensioner under section 27 of the act.

Yours truly,
ROBERT C. BRICKELL,
Attorney General.

SCHOOL LANDS—SALE OF TIMBER ON.

October 14, 1912.

Hon. Chas. E. McCall,
Chief Examiner of Public Accounts,
Capitol.

Dear Sir:—

Your letter enclosing letter from Hon. R. E. Blunt, Superintendent of Education of Washington County, received.

From Mr. Blunt's letter it appears that in 1906 some timber on sixteenth section school land in Washington county was sold for the price of \$325.00, and that the same was applied to the payment of salaries of teachers. This money was improperly used, of course, and should have been paid into the State treasury as a part of the permanent sixteenth section fund. You desire me to advise you whether the county board of education would have authority to order the treasurer of the county school funds to pay said sum of \$325.00 into the State treasury.

The State is unquestionably entitled to receive this money and should receive it, and the county superintendent of education who collected this money and failed to pay it over is undoubtedly liable to the State. However, as it was used in the payment of teachers by the county and the money was improperly received by them, I can see no reason why the county board of education should not in justice and equity pay the money which they received improperly to the party entitled thereto, to-wit, the State. Such repayment must, however, be made from the funds to which it was first improperly credited.

Yours truly,
ROBERT C. BRICKELL,
Attorney General.

FRANCHISE TAX—BASIS OF.

October 15, 1912.

Hon. Chas. E. McCall,
Chief Examiner of Public Accounts,
Capitol.

Dear Sir:—

Your letter enclosing letter from Hon. J. V. Allen, Tax Commissioner of Jefferson County, and requesting me to advise you thereon, received.

From Mr. Allen's letter it appears that he desires to be advised relative to the amount of franchise tax due by book companies doing business in this State; as to whether this franchise tax should be paid on the average stock carried in the State, or on the total sales during the year.

The language employed in the statute is, "actual amount of capital employed in this State." These words cannot mean the total amount of business done. They can only mean the amount invested in the business, and it seems to me, therefore, that the average amount which they use in the State during the year would be their capital employed.

Yours truly,

ROBERT C. BRICKELL,
Attorney General.

MASONIC HOME—EXEMPTION FROM TAXATION.

October 15, 1912.

Hon. J. Lee Long, Chairman,
State Tax Commission,
Capitol.

Dear Sir:—

Your letter requesting me to advise you as to the exemption from taxation of the property owned by the Grand Lodge of Masons, being used by them as a widows' and orphans' home, received.

That the property about which you inquire is used exclusively for charitable purposes, such as is contemplated by section 13 of the act approved March 31, 1911, entitled an Act

"To further provide for the revenues of the State of Alabama," Acts 1911, p. 159, there can be no doubt, and under the wording of that section of the act, which, so far as pertinent, is as follows: "The following property shall be exempt from taxation: * * * * All property real and personal of this State and of the counties and municipal corporations of this State, all cemeteries and all lots in incorporated cities and towns and all lands and buildings thereon, when the same are used exclusively for religious worship, educational or purely charitable purposes.

I am, therefore, of the opinion, and so advise you, that under section 13 of the act above referred to, the property owned by the Grand Lodge of Masons and used by it for the widows' and orphans' home is exempt from taxation.

Yours truly,

ROBERT C. BRICKELL,
Attorney General.

MORTGAGES—TAXATION OF RENEWALS.

October 15, 1912.

Hon. J. Lee Long, Chairman,
State Tax Commission,
Capitol.

Dear Sir:—

Your letter enclosing letter from Mr. Mitchell D. Follansbee, and requesting me to advise you thereon, received.

The letter of Mr. Follansbee is not quite clear as to the amount of indebtedness shown by what he terms the renewal mortgages, but the general proposition which is submitted by him is clear.

Whenever an instrument is submitted for record, it is the duty of the probate judge to exact a record tax upon the amount of the indebtedness shown by the instrument. Of course, the indebtedness does not include any amount which may be shown by the instrument to have been paid prior to its execution. It can only include such sum as by the terms of the instrument is to be paid after its execution.

This definition would also apply to a renewal if the renewal set forth the amount still due. Of course, the tax would only be due upon the amount which the instrument itself ascertained to be the existing indebtedness, but if the renewal upon its face, failed to show that any of the original indebtedness had been paid, although it would show that a portion of it or all of it was past due, the tax would be due upon the face amount of the indebtedness shown by the instrument.

Yours truly,

ROBERT C. BRICKELL,
Attorney General.

SHERIFF'S EX-OFFICIO FEES.

October 15, 1912.

Hon. J. T. Gorman,
Examiner of Public Accounts,
Birmingham, Alabama.

Dear Sir:—

Your letter requesting me to advise you as to whether, under section 3722 of the Code which provides that sheriffs are not entitled to ex-officio fees where their net income exceeds \$7,500.00 per annum, the board of revenue can allow ex-officio fees without an affidavit from the sheriff that his net income does not exceed that amount, received.

In reply, I beg to advise you that it is the duty of the board to ascertain whether or not the sheriff has a net income from his office not exceeding \$7,500.00 per annum, but the statute does not direct how the amount of his income shall be proven. The board of revenue should, therefore, determine this question by such proof as will establish the facts to their satisfaction. An affidavit from the sheriff as to the amount of his net income would be proper as tending to show the true state of facts, but this is not the only method which the board could adopt, and it is for them to determine what method they will adopt in arriving at the facts.

Yours truly,

ROBERT C. BRICKELL,
Attorney General.

**AUTOMOBILE—PURCHASE OF BY JEFFERSON COUNTY.
PHYSICIAN FEES BEFORE CORONER.**

October 16, 1912.

Hon. J. T. Gorman,
Examiner of Public Accounts,
Birmingham, Alabama.

Dear Sir:—

Your letter requesting me to advise you upon two certain matters therein submitted, received.

The first question upon which you desire me to advise you is, "Under section 10 of the Jefferson county road law, approved March 3, 1903, can the board of revenue purchase an automobile?"

I have examined section 10 of the act referred to and find that it provides, "And said board of revenue may purchase such live stock, tools, machinery, implements, wagons, and material as may be necessary in the working, maintenance and building of the roads and bridges in said county," and further provides that they shall have the right to employ such hands as may be necessary in working, maintaining and building roads and bridges, and pay for the cost of such machinery, live stock and implements out of the funds referred to in the act.

While an automobile is undoubtedly a machine, the word *machinery* as used in said act means machinery which is used for work upon the road, and cannot mean a machine for the conveyance of persons. The character of machinery referred to in the act is such machinery as is usually used in connection with the working, maintenance and building of roads and bridges. I do not see how the word *machinery*, as used in the act, can be stretched to cover the purchase of an automobile, which is certainly not a machine used for the working, maintenance or building of the roads or bridges.

Your second question is, "Under the general act approved February 20, 1911, Acts, 1911, pp. 22-23, are surgeons and physicians summoned to attend coroners' inquests, entitled to the same fees and mileage as other witnesses?"

In reply, I beg to advise you that they are entitled to the fee provided by sections 7174 of the Code, which is \$5.00,

together with \$1.00 for each mile traveled in attending such inquests.

Yours truly,
ROBERT C. BRICKELL,
Attorney General.

INVENTORY OF ESTATE OF DECEASED PERSON.

October 17, 1912.

Hon. J. Lee Long, Chairman,
State Tax Commission,
Capitol.

Dear Sir:—

Your letter requesting me to advise you what steps you can take to force an administrator to file an inventory of the estate which comes into his hands, as he is required to do under section 5 of an act approved March 31, 1911, entitled an act "To further provide for the revenues of the State of Alabama," Acts, 1911, p. 159, received.

No provision is made in the act itself for the enforcement of the duty placed upon the administrator by section 5 of the act, and no penalty is placed upon him for failing or refusing to comply with the terms of the act, and I have been unable to find any provision in the general tax laws of the State which prescribes any method of procedure, or fixes any penalty which would cover the case in question.

I am, therefore, of the opinion, and so advise you, that in the present state of the law, there is no method by which you can enforce a compliance with the provisions of this section, the legislature evidently having overlooked the necessity of prescribing a method for its enforcement, or a penalty for the failure or refusal of the administrator to comply therewith.

Yours truly,
ROBERT C. BRICKELL,
Attorney General.

SHERIFF'S EX-OFFICIO FEES.

October 17, 1912.

Hon. J. T. Gorman,
Examiner of Public Accounts,
Birmingham, Alabama.

Dear Sir:—

Your letter of the 16th inst., in reference to ex-officio fees of sheriffs, received.

The statute clearly contemplates that this ex-officio fee shall be an annual allowance, and if the sheriff does not receive \$7,500.00 net during any year, it is of course, open to the board of revenue to allow him compensation for his ex-officio services during that year.

Yours truly,
ROBERT C. BRICKELL,
Attorney General.

LISTS OF REGISTERED VOTERS—PAYMENT FOR.

October 17, 1912.

Hon. J. T. Gorman,
Examiner of Public Accounts,
Birmingham, Alabama.

Dear Sir:—

Your letter requesting me to advise you as to whether or not the probate judge is entitled to compensation for making lists of voters under the provisions of the act approved March 17, 1911, Acts 1911, p. 121, where he makes three lists, one of which he styles the list of registered voters, the second the list of qualified voters and the third the list of poll taxes due, received.

The act only seems to contemplate the making of two lists, one of which shall be an alphabetical list by precincts of all registered voters; the second, an alphabetical list of all persons who have paid all their poll taxes, and as a part of this list, names of all persons who have paid poll taxes for any of

the years since 1901, and he is entitled to compensation of two and one-half cents for each name appearing on each list.

It may be that the probate judge, in preparing the three lists, has in reality only prepared the two lists required by law, but has divided the list of poll taxes paid into two parts, styling each part a separate list. If this is the case, I should think he would be entitled to his compensation as charged.

The law governing this matter, it seems to me, is such that you should have no difficulty in determining whether the judge of probate has or has not been properly paid therefor.

Yours truly,

ROBERT C. BRICKELL,
Attorney General.

**COUNTY COMMISSIONER CANNOT SERVE AS FOREMAN
OF ROAD CONSTRUCTION CREW.**

October 22, 1912.

Hon. Robert E. Spragins, Chairman,
State Highway Commission,
Huntsville, Alabama.

Dear Sir:—

Your letter of the 19th inst., requesting me to advise you whether or not a board of county commissioners can employ one of their own members as the foreman of the construction crew in the building of public roads in the county and pay him a salary as is paid other foremen, received.

In reply, I beg to advise you that they cannot. Without referring to many reasons which support this conclusion, it is sufficient to say that to permit this would be to permit one to contract with himself, which is opposed to every principle of public policy.

Yours truly,

ROBERT C. BRICKELL,
Attorney General.

BOARD OF AGRICULTURE—FUNDS OF.

October 22, 1912.

Hon. Chas. E. McCall,
Chief Examiner of Public Accounts,
Capitol.

Dear Sir:—

Your letter requesting me to advise you in reference to the use of and the payment of the appropriation made by the legislature under the act approved February 11, 1911, entitled an act, "To establish a board of agriculture and have supervision of the funds appropriated by this act for farm demonstration work in the State of Alabama, and to provide a bill for carrying on such farm demonstration work in the State of Alabama," Acts 1911, p. 14, received.

In reply, I beg to advise you, first, that the sums appropriated by said act can only be used for the purposes set out and specified in the act; second, that all the funds appropriated by the act must be paid out as moneys of the State are paid out, and in strict accordance with the provisions of section 4 of said act; that no money should be paid out except upon presentation of an account showing that the expenditure is one authorized by the provisions of the act. The approval of the payment must be evidenced, as provided in section 4, by the warrant of the Commissioner of Agriculture and Industries affirmatively showing that the same has been approved by a majority vote of the board of agriculture, and thereafter, received the approval of the Governor.

From what has been said above, you will see that there is no reason for any of this money so appropriated to be in the hands of the board of agriculture. The money appropriated should never pass out of the hands of the State treasurer into the hands of the board of agriculture, but should remain in the hands of the State treasurer and be only paid out as indicated in this letter.

Yours truly,

ROBERT C. BRICKELL,
Attorney General.

APPROPRIATIONS—GOVERNED BY FISCAL YEAR.

October 22, 1912.

Hon. Chas. E. McCall,
Chief Examiner of Public Accounts,
Capitol.

Dear Sir:—

Your letter requesting me to advise you as to the meaning of the words *per annum* as used in the act of the legislature creating the State board of agriculture, Acts, 1911, p. 14, and also as to the effect of the act approved April 22, 1911, amending section 8 of the Code, Acts 1911, p. 629, received.

In reply, I beg to advise you that the words *per annum*, as used in the act first above referred to, mean that the money is payable as a yearly appropriation, and that by the act last above referred to, it was evidently the intent of the legislature to make all appropriations of money payable out of the State treasury according to the fiscal year which begins on October 1st and ends on September 30th, instead of according to the calendar year, and that this applies to appropriations made before the passage of the act as well as to appropriations made after the passage of the act.

Yours truly,

ROBERT C. BRICKELL,
Attorney General.

COUNTY TREASURER—BOND OF.

October 30, 1912.

Hon. Chas. E. McCall,
Chief Examiner of Public Accounts,
Capitol.

Dear Sir:—

Your letter enclosing letter of Hon. J. C. Wood, Judge of Probate of Lowndes County, and requesting me to advise you thereon, received.

From the letter of Judge Wood it appears that he desires to be advised as to within what time the county treasurer, elected at the general election to be held on November 5th,

should file his bond with him for approval, and as to the effect of the bond of the present county treasurer during the time intervening between the filing of the new bond and the expiration of his present term, the county treasurer being re-elected to succeed himself.

In reply, I beg to advise you that under the provisions of section 1495 of the Code, the county treasurer-elect must file his bond within fifteen days after the returns of the election have been canvassed, and he has been declared elected as such county treasurer.

Further answering the questions of Judge Wood, I beg to advise you that the present bond of the county treasurer continues as his bond until the expiration of his present term upon the first Monday after the second Tuesday in January next, and the bond to be filed by him within fifteen days after the declaration of his election, does not become effective until the first Monday after the second Tuesday in January.

Yours truly,

ROBERT C. BRICKELL,
Attorney General.

DEPARTMENT OF AGRICULTURE—APPROPRIATION FOR.

November 2, 1912.

Hon. Frank V. Evans,
Examiner of Public Accounts,
Capitol.

Dear Sir:—

Your letter of the 1st inst., in reference to the appropriation of four thousand dollars to the Department of Agriculture and Industries, made by section 73 of the Code, and the employment of samplers by the commissioner of agriculture and industries under the authority of the act approved August 14, 1907, Acts, 1907, p. 44, received.

I do not see that there is any conflict between section 73 of the Code and the act referred to, and I am, therefore, of the opinion, and so advise you, that the appropriation made by the act of August 14, 1907, is an appropriation in addition to

the four thousand dollars appropriated by section 73 of the Code.

Yours truly,
ROBERT C. BRICKELL,
Attorney General.

**CO-OPERATIVE ASSOCIATIONS—FEES TO SECRETARY OF
STATE.**

November 7, 1912.

Hon. Cyrus B. Brown,
Secretary of State,
Capitol.

Dear Sir:—

Your letter requesting me to advise you whether a corporation formed under the provisions of section 3573 of the Code for the application of co-operative principles should be required to pay the fee of \$2.50 for filing a statement of its incorporation in your office, as provided under section 3455 of the Code, received.

In reply, I beg to advise you that in my opinion such corporation would be required to pay the fee of \$2.50 required by section 3455 of the Code.

I return you herewith the papers sent me.

Yours truly,
ROBERT C. BRICKELL,
Attorney General.

MEALS FOR ELECTION OFFICERS.

November 8, 1912.

Hon. J. T. Gorman,
Examiner of Public Accounts,
Birmingham, Alabama.

Dear Sir:—

Your letter of the 7th inst., requesting me to advise you whether a county can pay for dinners for election inspectors and clerks, received.

In reply, I beg to advise you that the only compensation to which election officers are entitled is that provided by section 419 of the Code, and I do not find therein any authority for the county to pay for dinners.

Yours truly,

ROBERT C. BRICKELL,
Attorney General.

MOTOR VEHICLE LAW—EXPENSE OF ENFORCEMENT.

November 9, 1912.

Hon. Cyrus B. Brown,
Secretary of State,
Capitol.

Dear Sir:—

Your letter of the 7th inst., requesting me to advise you whether, under section 15 of the act approved April 22, 1911, known as the Motor Vehicle Law, Acts, 1911, p. 634, you would be authorized to employ some person in each county in the State to look after the collection of the tax upon motor vehicles prescribed by said act, received.

Section 15 of the act above referred to is as follows:

“The expense of operation and maintenance of everything required to be furnished and performed by the secretary of State shall not exceed fifteen per cent. of the annual revenue derived from the provisions of this act, out of which fifteen per cent. of said revenue the said secretary of State is authorized to employ such clerical assistance as may be by him deemed advisable for the proper performance of the duties imposed upon him by this act. In his discretion he may employ not more than two assistants to carry out the provisions of this act, and the expense of the employment of such assistants shall not exceed thirty-five hundred (\$3,500.00) dollars per annum.”

An analysis of this section shows that it provides, first, that all the expenses of operation and maintenance shall not exceed

fifteen per cent. of the annual revenue derived under the act; second, that from this fifteen per cent. must be deducted the clerical assistance necessary, which clerical assistance is limited to two persons, and the amount which may be received by them is limited to thirty-five hundred dollars.

The purchase of tags and supplies required by the act is one of the expenses of operation and maintenance covered by the provisions of section 15, but these are certainly not all the expenses which may be incurred in the operation and maintenance of the provisions of the act.

The appropriation of fifteen per cent. of said revenue for the purpose of operation and maintenance is a very general appropriation; and authority to expend said fifteen per cent. seems to be left, by the provisions of the act, in your sound discretion save that you cannot employ more than two persons as clerical assistants, and cannot pay them more than the amount specified in said act.

The employment of a person in each county of the State to assist in the enforcement of the collection of the license provided by the act, will be certainly a proper expense of operation which you would be authorized to incur, if in your judgment, necessary or expedient. However, in no event, could your total expenditure exceed fifteen per cent. of the revenue derived.

Yours truly,
ROBERT C. BRICKELL,
Attorney General.

SHERIFFS—COMMISSIONS OF.

November 12, 1912.

Hon. Frank V. Evans,
Examiner of Public Accounts,
Capitol.

Dear Sir:—

Your letter in reference to the compensation to be allowed sheriffs under par. 3 of sec. 5870 of the Code, received.

I have, heretofore, advised the examiners of public accounts that sheriffs were not allowed five per cent. of money made by

the levy of execution under the provisions of section 6638 of the Code, as a charge against the county, but that they were entitled to add five per cent. to the amount of the execution to be collected from the defendant in execution, and to this opinion I adhere, but the question you now present is a different one from that upon which I have heretofore advised.

Under the provisions of par. 3 of sec. 5870 of the Code, the sheriff is required to make report to the treasurer of the county of all moneys of the county received by him for the county, specifying the amount received in each case and from whom, and to pay the money collected to the county after deducting five per cent.

This five per cent. he is authorized to deduct from all moneys collected from the county, whether under execution or not, and does not affect his right to collect five per cent. from the defendant in execution under section 6638 of the Code.

The sheriff has no right to charge the county for making money under execution under sec. 6638 of the Code, but he may deduct five per cent. of all money of the county paid by him to the treasurer under par. 3, sec. 5870 of the Code, whether such money was received by him under execution or otherwise.

Yours truly,

ROBERT C. BRICKELL,
Attorney General.

**DEPARTMENT OF AGRICULTURE AND INDUSTRIES—
EXPENSES OF.**

November 21, 1912.

Hon. Emmet O'Neal,
Governor,
Capitol.

Dear Sir:—

Your letter of the 19th inst., requesting me to advise you as to whether accounts of the commissioner of agriculture and industries for the traveling expenses of the commissioner and the clerks of said department for trips outside of the State

were proper charges and are authorized by section 52 of the Code, or by any other authority, received.

The provisions of section 52 of the Code set out that the commissioner shall submit to you an account of the expenses of the department for the preceding month and an estimate of the expenses for the succeeding month, and upon your approval, may draw the amount of this estimate, not to exceed five hundred dollars, and further provides, "The traveling expenses of the commissioner and clerks, and of the chemist, on the accounts thereof being itemized and verified before payment, may be paid from the money so drawn. Section 46 of the Code, among other things, provides that the chemist shall, if he can without conflict with his other duties, attend conventions of agricultural chemists. It certainly must be presumed that the legislature knew and had in mind that at the time of the enactment of the law that these conventions would probably be held outside of the State of Alabama. It is also provided in section 22 of the Code, fixing the duties of the commissioner, that he is to do many things which could properly call for his going beyond the borders of the State. The provision for the payment of the traveling expenses of the clerks being in the same section of the Code and a part of the same sentence as that providing for the payment of the traveling expenses of the commissioner and the chemist, in both of which instances it is evident that the legislature knew and contemplated that some of these expenses would be incurred for trips outside of the State, I can see no reason or rule which would place a further limitation upon the payment of the traveling expenses of the clerks.

I am, therefore, of the opinion, and so advise you, that where the estimate of the expenses of the department for any month has been submitted to you and received your approval, the money drawn upon such estimate may properly be used in payment of the expenses of the commissioner, the chemist and the clerks for trips outside of the state where such are made on business for the department.

Yours truly,

ROBERT C. BRICKELL,
Attorney General.

**MORTGAGE TAX MUST BE PAID UPON FILING FOR RECORD OF MORTGAGE EXECUTED PRIOR TO
MARCH 4, 1903.**

November 21, 1912.

Hon. C. B. Smith,
State Auditor,
Capitol.

Dear Sir:—

Your letter, enclosing letter from Hon. M. D. Still, Judge of Probate of Elmore County, and requesting me to advise you thereon, received.

From the letter of Judge Still it appears that the Continental Trust Company of Baltimore, as trustee, has tendered to him for record a deed of trust conveying a large amount of property in several states, including property in Alabama, with the request that he record the same without the payment of the tax of fifteen cents per hundred dollars as required by subdivision 7 of section 2082 of the Code, said mortgage bearing date the 30th of August, 1899, and there being at that time, that is the date of the execution of the instrument, no law of this State requiring the payment of the tax imposed by subdivision 7 of section 2082 of the Code, or of any other similar tax, and Judge Still desires to be advised as to whether or not he should require the payment of the tax of fifteen cents per hundred dollars on said deed of trust, or should record the same without the payment of said tax.

I have considered very carefully the propositions advanced in the brief furnished me by attorneys representing the Continental Trust Company in support of its contention that said deed of trust is not liable for the tax imposed by sub-division 7 of section 2082 of the Code, but cannot agree with their contention.

An examination of the history of this tax shows that it was first imposed by an act of the legislature approved March 4, 1903, entitled an act "To better provide for the revenue of the State," Acts, 1903, p. 184, and that the provision of said act, so far as pertinent to the question now presented, is "That on and after the first day of October, 1903, no mortgage, deed of trust, or other instrument in the nature of a mortgage, which

is given to secure the payment of any debt, which such mortgage, deed of trust, or other instrument of like character, *shall be* executed so as to convey real property, or any interest in real property, or personal property, which is situated in this State, *shall be* received for record unless the following privilege taxes *shall have been* paid upon such instrument before the same *shall be* offered for record."

This Act, with some amendments extending its scope, is carried forward in the Code as sub-division 7 of section 2082, and appears in the Code in the following language: "No mortgage, deed of trust, contract of conditional sale, or other instrument in the nature of a mortgage which is given to secure the payment of any debt which such mortgage, deed of trust, contract of conditional sale, or other instrument of like character *shall be* executed so as to convey real property, or any interest in real property or personal property which is situated within this State, *shall be* received for record unless the following privilege taxes *shall have been* paid upon such instrument before the same *shall be* offered for record.

It will be observed that the act of 1903 provided that it should not go into effect, as to the imposition of this tax, until the 1st of October thereafter, a period of more than six months, but that its provision against the receipt of any mortgage, deed of trust or other like instrument, without the payment, of the tax after that date was express and explicit, clearly evincing a legislative intent to impose the tax upon all mortgages, deeds of trust and other like instruments offered for record after that date, and from the passage of that act up to the present time, all the acts of the legislature dealing with this question have evinced a clear legislative intent not only not to relieve any of the instruments upon which the tax was imposed by the act, of the tax but to further extend the tax to instruments not covered by the original act.

While the words *shall be* are, in their ordinary use, words in the future tense and words which look to the future, still they must be construed in connection with and as a part of the sentence in which they appear, and the meaning given them which their use in that sentence clearly indicates to be the sense in which they are used. The provision in the act

and in the code is the same; "instrument of like character shall be executed so as to convey * * * shall be received for record unless the following privilege taxes shall have been paid upon such instrument before the same shall be offered for record." The words *shall be* executed as first used in the act and in the Code, are words which have no future import whatsoever, but are merely words descriptive of the character of instrument to which the act refers, and shows the legislative intent to be only to tax instruments which are executed in such a manner as to convey certain classes of property, and have no reference whatsoever to the time of the execution of the instrument, but only to the character of the instrument. While the words *shall be received* as used later on in the sentence, by their context, clearly show that they refer not to the character of the instrument, but to the time of the presentation of the instrument for record. The words *shall be* as first used, are descriptive of the instrument, while as last used, they are descriptive of the time. And the time to which they refer is the time that the instrument shall be offered for record, and in the present instance, the time when the instrument was tendered to Judge Still for record, was a time when, according to the law, as it then existed and now exists, the instrument was and is taxable under the provision of the section of the Code above referred to.

This construction of the act does not in any manner render the act retroactive, nor is there anything in the statute which tends in any manner to show that it was intended to have any retroactive effect, but it is clearly shown that it was intended to have a prospective effect, and for that reason the period of more than six months was granted within which instruments upon which the tax was to be imposed could be filed without a payment of the tax, but after the day fixed by the act no instrument could be received for record without the payment of the tax.

The contention raised by the Continental Trust Company that to require of it the payment of this tax would be to impair the obligation of the contract in violation of the Federal Constitution is untenable for the reason, first, that the act in no way interferes with the validity of the deed of trust, or deprives the trustee of any right which he may have under

the deed of trust, or laws existing at that time to enforce the obligation imposed upon the maker of the instrument; second, the matter of recording mortgages and the benefits which shall accrue by reason of the recording of the instrument, are matters which are purely in legislative discretion, and which form no part of the obligation of the instrument.

I am, therefore, of the opinion, and so advise you, that this mortgage should not be received for record unless the tax of fifteen cents on each one hundred dollars be paid at the time it is filed for record.

Yours truly,
ROBERT C. BRICKELL,
Attorney General.

**DEPARTMENT OF AGRICULTURE—EMPLOYMENT OF
CLERKS.**

December 4, 1912.

Hon. Frank V. Evans,
Examiner of Public Accounts,
Capitol.

Dear Sir:—

Your letter requesting me to advise you upon four questions therein propounded received.

The questions upon which you desire to be advised are as follows:

“1st. Is there a limit to the number of clerks that may be employed in the bureau of pure food and drugs? If so, what is the number allowed?

2d. Does the use of the term ‘deputy’ mean that the commissioner may appoint other assistants than one or more clerks for which provision is made?

3d. Is the commissioner authorized to employ on regular monthly salaries any number of samplers or deputy samplers?

4th. Is an account drawn against the fund of this department a proper voucher without the approval of the Governor?”

I have examined this matter thoroughly and at some length, and I find that while in section 14 of the act entitled an act "To regulate the sale of food and drugs in the State of Alabama, to provide for enforcement and inspectors and prescribe penalties for violation thereof," Acts Special Session, 1909, p. 237, reference is made to the special food and drug clerk in the office of the commissioner of agriculture and industries, the act nowhere creates such a clerk nor was there any law then existing which authorized the appointment of such a clerk, and of course, it must follow that there could be no such person as the special food and drug clerk referred to by the act.

There is language used in the act entitled an act "To provide for and regulate the manufacture and sale of 'commercial feeding stuffs' in Alabama; to further provide for the registration, tagging, sampling and analyzing 'commercial feeding stuffs' and to fix penalties for violations of this act," Acts, 1911, p. 104, which authorizes the performance of certain duties by the commissioner of agriculture and industries, by his deputy and in other instances by a representative, but the use of the word *deputy* and the word *representative* is explained, illustrated and made clear, if the matter was susceptible of doubt, by the language of section 11 of said act which is as follows:

"And in order to carry into effect the full intent and meaning of this act, the commissioner of agriculture and industries is hereby authorized to appoint a special food, drug and feed clerk at a salary of eighteen hundred dollars per annum."

This language clearly limits the right of the commissioner of agriculture and industries to employ and pay out of the State treasury for any other assistants in the enforcement of this act other than the special food, drug and feed clerk therein specially provided for. To so construe the act as to authorize the employment and payment of other assistants in the enforcement of the act would be to destroy the meaning of the legislature clearly expressed in the language, in order to carry in effect the full intent and meaning of this act. However, you will not understand that this has any reference to the payment for chemical work provided for in section 7 of the act.

Section 11 of the act further provides for the payment of expenses incurred in enforcing the provisions of the act and provides that such salaries or expenses shall be paid at the end of each month as other salaries and expenses are paid in the department of agriculture and industries.

The word *expenses* as used in the act, cannot be construed to cover any character of expenses which the commissioner sees fit and proper to incur, but can only cover such expenses as arise out of or are incident to the enforcement of the act and in accordance with the intention of the legislature as expressed in the act. While the word *expense* is very general, it cannot be held to be broad enough to authorize the employment of clerks or agents upon a salary.

While by section 52 of the Code, all the expenses of the department payable out of the five hundred dollars therein authorized, must be paid upon an estimate of such expenses, first approved by the governor and filed with the auditor, still the actual payment of the expenses is made upon the approval thereof by the commissioner of agriculture and industries after the estimate for expenses has been approved by the governor and the payment of the expenses is actually made by the commissioner out of money which he has drawn and not by the auditor, and there is no machinery, therefore, by which the expenses incurred under the provisions of the act of 1911 can be paid in the manner designated by section 52 of the Code; that is, by the drawing of money from the treasury upon an estimate, approved by the governor in advance. The expenses incurred under this act are similar to the expenses incurred under the provisions of sub-division 20 of section 22 of the Code, which expenses are subject to the approval of the governor, and, therefore, the expenses incurred under section 11 of the act of 1911 should be certified to and verified by the affidavit of the commissioner of agriculture and industries and approved by the governor.

The commissioner may delegate to any one he may see fit the authority to act as a deputy or representative in enforcing the provisions of the acts above referred to, but there is no provision for the payment of such deputies or representatives.

Your first question is, therefore, answered that there is a limit to the number of clerks who may be employed under

the provisions of the acts above referred to, and that only one may be employed, that being the special food, drug and feed clerk authorized by section 11 of the act.

Your second question is, therefore, answered that the use of the term *deputy* may authorize the appointment of other assistants than the clerk above referred to, but that no provision is made for the payment of such assistants.

Your third and fourth questions are answered in the negative.

Yours truly,

ROBERT C. BRICKELL,
Attorney General.

TELEPHONE AND TELEGRAPH CHARGES—PAYMENT OF.

December 9, 1912.

Hon. Chas. E. McCall,
Chief Examiner of Public Accounts,
Capitol.

Dear Sir:—

Your letter, enclosing letter from the county treasurer of Marion county, received.

From his letter, it appears that he desires to be advised whether, "Telephone and telegraph charges for messages sent to relatives of stranger found dead in the county and also for messages sent to stationery house urging filling of order for election supplies." are proper charges against the county.

In reply, I beg to advise you that, in my opinion, they are proper charges against the county for the reason that the statutes impose upon the county the duty of looking after the bodies of dead strangers in the county, and also upon the county the duty of furnishing election supplies, and in both instances, the use of telephone and telegraph may be necessarily or properly incident to the proper discharge of the duties placed upon the county by statute.

Yours truly,

ROBERT C. BRICKELL,
Attorney General.

**TAX ASSESSOR NOT ENTITLED TO COMPENSATION FOR
ENTERING RAISES OF TAX COMMISSIONER.**

December 9, 1912.

Hon. J. Lee Long, Chairman,
State Tax Commission,
Capitol.

Dear Sir:—

Your letter enclosing letter of the tax assessor of Shelby county, received.

From the letter of the tax assessor, it appears that the tax commissioner of Shelby county has made certain raises in the assessment of taxes assessed by the assessor which have been sustained by the board of revenue of Shelby county, and he desires to be advised whether it is his duty to put these assessments on the books and to do so without compensation.

In reply, I beg to advise you that it is the tax assesosr's duty to put these assessments on the books and that he can receive no compensation therefor other than the compensation which should be paid him upon the amount of the assessment fixed by him. In other words, his compensation is upon the amount of the assessment made by him and not upon the amount to which the assessment is increased by the action of the tax commissioner.

Yours truly,

ROBERT C. BRICKELL,
Attorney General.

**DISPENSARY—CITY ENTITLED TO REFUND OF EXPENSE
OF ESTABLISHING.**

December 9, 1912.

Hon. H. Y. Brooke,
Examiner of Public Accounts,
Capitol.

Dear Sir:—

Your letter of November 30, requesting me to advise you as to whether or not the town that puts up the initiatory money for the establishment of a dispensary is entitled to have said

amount of money refunded to it or paid out of the proceeds of the dispensary before there is a distribution of profits among the county, city and State, received.

Section 44 of the act approved April 6, 1911, known as the Smith bill, Acts, 1911, p. 249, provides that each incorporated city or town in a dispensary county may in its corporate name establish, maintain and operate a dispensary, and by section 48 it is provided that such municipality must invest at the outset not less than \$500.00 in the business, and by section 85, it is provided that the assets of the dispensary, including the furniture, fixtures and appliances, shall be and remain the exclusive property of the several towns and cities in which the dispensaries are respectively established. By section 65 of the act, it is provided that the court of county commissioners of the county in which the town or city operating the dispensary is located, shall submit to the governing body of the city or town operating such dispensary the names of three times as many men as there are dispensaries in the city or town for dispenser, and the same number for purchasing agent of said dispensary, and by section 82 of the bill, it is provided that the net profit of the dispensary shall be divided as follows, forty-five per cent. to the city or town; forty-five per cent. to the county and ten per cent. to the State.

Construing all these provisions of the act together, it seems to me clear that where the county is given a part in the selection of the officers and the managers of the dispensary and where it receives the same share of the profits as the city and where the State is given a share of the profits, it cannot be held that it was the intention of the legislature that the town or city should not be reimbursed for the money advanced by it for the purchase of stock to be carried in the dispensary, although I do not believe that it is entitled to be reimbursed for money expended by it for furniture, fixtures and appliances such as would remain on hand after the business of the dispensary had been closed and such as in their nature are permanent, as such articles would then be the property of the city under section 85 of the bill.

Yours truly,

ROBERT C. BRICKELL,
Attorney General.

JANITOR SERVICE FOR JAIL AUTHORIZED.

December 16, 1912.

Hon. Chas. E. McCall,
Chief Examiner of Public Accounts,
Capitol.

Dear Sir:—

Your letter, enclosing letter from Dr. W. H. Oates, State Prison Inspector, received.

From the letter of Dr. Oates, it appears that he is advised that one of the examiners is under the impression and has advised the officers of a county, that this office has held that section 18 of the act providing for the inspection of prisons is unconditional in so far as it pertains to the payment by the county for janitor service for the jail.

I beg to advise you that no such opinion has been rendered by this office, and that, in my opinion, that provision of the act is constitutional and valid.

The mistake into which the examiner fell was probably due to the fact that it was held by this office that a local act for Montgomery county providing janitor service for the jail of Montgomery county was unconstitutional, but this ruling was based upon the proposition that the act was a local act, such as is prohibited by section 104 of the constitution.

Yours truly,

ROBERT C. BRICKELL,
Attorney General.

MILITARY FUNDS—EXPENDITURE OF.

December 17, 1912.

Hon. Chas. E. McCall,
Chief Examiner of Public Accounts,
Capitol.

Dear Sir:—

Your letter of the 13th inst., requesting me to advise you upon certain questions therein submitted, received.

The first question upon which you desire to be advised is,
“Can any part of the appropriation for the military of the State

be used to pay the salaries of officers and enlisted men while attending encampments or maneuvers or practice at rifle range?"

By section 50 of the act approved April 22, 1911, entitled an act "To regulate and provide for the volunteer military forces of the State of Alabama," it is provided that when the Alabama National Guard shall be ordered into service for the purpose of perfecting them in military discipline and drill, the State shall furnish rations for the officers and men, and pay such expenses of the encampment as the governor may deem proper, including the traveling expenses of the officers and men incurred in obeying such orders.

By section 46 of said bill, it is provided that all officers of the Alabama National Guard when ordered into the services of the State to aid in the enforcement of the laws thereof, shall receive pay, and the non-commissioned officers and the privates shall receive pay when so ordered, and the amount of the pay of the non-commissioned officers and the privates is fixed by section 46 of said act.

By section 1 of an act approved April 14, 1911, making appropriation of twenty-five thousand dollars per annum to defray the costs of encampments, maneuvers and target practice, it is provided that the money may be used for paying the expenses of such encampments, maneuvers, target practice, including in such expenses, the subsistence of the officers and men, as provided by the rules and regulations of the United States Army, and also the transportation of the officers and men to and from such encampments and maneuvers and to and from target ranges.

You will observe that while both section 50 of the act of April 22 and section 1 of the act of April 14th, provided for the payment for rations or subsistence, and for the payment for transportation or traveling expenses, the only provision for the payment of salaries is the provision in section 46 of the act which provides for the payment of such salaries when the troops are ordered into the services of the State to aid in the enforcement of the laws thereof.

The Legislature having in one instance made express provision for the payment of salaries, and having in the same act, and its companion act, made no provision for the payment of

salaries, I am, therefore, of the opinion, and so advise you, that no part of the appropriation for the military of the State can be used to pay the salaries of officers and enlisted men while attending encampments, maneuvers or practice at rifle range.

Your second question is, "Is the charge of a sheriff for arrest \$2.00 and jail fee \$2.00 (\$4.00) for apprehension of member of the National Guard charged with desertion, a proper charge against the military fund, and if a proper charge, would the jail fee be a legal one?"

I have been unable to find any authority which would authorize the arrest of a member of the Alabama National Guard charged with desertion, by the sheriff. The only authority which I find being for the sheriff, after judgment of a court-martial, to receive any person sentenced by the court-martial and keep him confined in jail in accordance with the sentence imposed by the court-martial.

I am, therefore, of the opinion, and so advise you, that the fees of the sheriff are not proper charges against the military fund.

Your third question is, "Is there any provision of law authorizing the payment from the military fund to an officer of the Alabama National Guards for services rendered in superintending repairs of rifle range?"

This matter is governed by sections 2 and 3 of the act of April 14, 1911. By those sections of the act, large discretion is conferred upon the governor with respect to the management and control, purchase and lease of target ranges, and I am of the opinion, and so advise you, that the governor would have the power and authority to authorize the payment out of the military fund of an officer of the Alabama National Guards for superintending the repairing of rifle ranges.

Your fourth question is, "Is there any provision of law authorizing the payment from the military fund of a salary for 'Assistance rendered Adjutant General?'"

In reply, I beg to advise you that I can find no authority of law for the payment of such salary.

Your fifth question is, "Can any claim against the military fund be paid legally except upon the approval of the governor?"

In reply, I beg to advise you that it cannot, but that the governor may, in advance, authorize the expenditure of the military funds for certain purposes, and that so long as the funds are expended for the purposes directed by him, it is not necessary that each item of the expenditure receive his approval before payment unless he shall so direct.

Yours very truly,

ROBERT C. BRICKELL,
Attorney General.

**COUNTY INSTITUTES—PAYMENT OF COUNTY
SUPERINTENDENTS.**

December 17, 1912.

Hon. Frank V. Evans,
Examiner of Public Accounts,
Capitol.

Dear Sir:—

Your letter, requesting me to advise you as to whether the State superintendent of education has the right to pay or allow the county superintendents any part of the institute fund for services rendered in conducting institutes, received.

You direct my attention to section 1752 of the Code, which provides that the county superintendent shall be president of the teachers' institutes. However, this section of the Code, together with sections 1751, 1753 and 1754, in reference to teachers' institutes, is repealed by section 10 of the act approved April 8, 1911, entitled an act "To provide for the holding of teachers' institute for teachers in this State, and to make necessary appropriations for the same," Acts 1911, p. 538.

By section 6 of said act, certain duties are imposed upon the county superintendent of education in connection with the institute, and for the performance of any duty imposed upon him by the act as county superintendent, he cannot receive any compensation other than that allowed him by law as such county superintendent. However, if he performs other services in connection with the institute, such as that of an expert conductor, which service is not required of him by his duties

as county superintendent of education, he may be paid for such services so performed.

Yours truly,

ROBERT C. BRICKELL,
Attorney General.

**SHERIFFS' COST AS CLAIMS AGAINST FINE AND
FORFEITURE FUND.**

December 19, 1912.

Hon. Chas. E. McCall,
Chief Examiner of Public Accounts,
Capitol.

Dear Sir:—

Replying to your letter of the 24th ult., requesting to be advised upon the two questions set out below, I beg to advise you as follows:

First, you request to be advised as to whether or not a sheriff is entitled to have the full amount of his costs paid out of the fine and forfeiture fund of the county where a county hires out a convict at the rate of fifty cents per day and the law allows such convict to work out the costs at the rate of seventy-five cents per day. In other words, the question is, can the fine and forfeiture fund be charged with the difference over and above the amount collected for costs from the hire of the convict?

Upon consideration of this question in connection with Section 6889 of the Code and the decisions of the Supreme Court cited under this section, it would seem that the legislature has the exclusive control of the fine and forfeiture fund of the county, and that nothing can be paid out of this fund without legislative enactment, and I do not consider the legislative enactment broad enough to govern cases arising under the circumstances set forth above.

I am of the opinion that the legislature has not authorized the payment of such claims to sheriffs; that to allow this claim would be in effect to give the county commissioners control over the fine and forfeiture fund by contracting for the hire of convicts at a price less than the amount of costs due,

and in this way, allowing or authorizing a claim against the fine and forfeiture fund. The Supreme Court in this State has decided that the board of county commissioners has no control over the fine and forfeiture fund.

Brown v. Paris; 93 Ala. 314.

You also ask to be advised as to whether or not the sheriff is entitled to his fees for summoning witnesses before the grand jury in a case where the defendant is not convicted, and whether or not such fee is a proper charge against the fine and forfeiture fund.

Replying to this question, I beg to say that under Section 6889 of the Code above referred to, such a fee is a proper charge against the fine and forfeiture fund when the defendant is acquitted, and when the prosecutor is not under the law required to pay the costs.

Yours very truly,

ROBERT C. BRICKELL,
Attorney General.

STATE AID ROAD—PAYMENT FOR.

December 24, 1912.

Hon. Robert E. Spragins, Chairman,
State Highway Commission,
Huntsville, Alabama.

Dear Sir:—

Your letter of the 20th inst., enclosing letter from Judge J. A. Crawford, Judge of Probate of Coosa county, in reference to the authority of county treasurer to pay the estimates or pay rolls approved by the State highway department without such estimates or pay rolls first having been submitted to and ordered paid by the court of county commissioners or board of revenue, received.

Section 146 and 147 of the Code provide for the payment of all claims against the county only when they have been itemized, sworn to, passed upon and allowed by the court of county commissioners or board of revenue of the county and the authority for payments of the class above referred to without such payment having first been submitted to and allowed by

the court of county commissioners or board of revenue under provisions of section of Code above referred to, if any, must be found in the act creating the state highway commission.

An examination of the act creating the state highway commission, Acts, 1911, page 222, and especially sections 6, 7 and 14, of said act, and the rule of the commission in reference to monthly payments, which rules are authorized by section 7 of the act, clearly show that it was the intention of the legislature to place the control of the expenditures made under the provisions of the act under the direction and supervision of the State highway commission and to substitute, so far as payments of money under provisions of the act are concerned, State highway commission or such persons as may by its rules and regulations authorized under section 7 of the act be designated by it for the approval of such payments for the audit and allowance required by sections 146 and 147 of the Code by the court of county commissioners or board of revenue.

The provisions of section 6, so far as applicable, are:

“No money shall be drawn from the State road fund by any county until the said county shall have appropriated and rendered available, a sum of money equal in amount to the sum to be drawn from the State road fund.”

And the provisions of section 14, so far as applicable, are:

“That all moneys paid out of the State treasury under the provisions of this act, shall be paid to the treasurers of the various counties of Alabama on the warrant of the State auditor upon the certificate of the State highway commission and the said State highway commission is hereby authorized and empowered to make all such rules and regulations as are necessary and needful looking to the speedy completion of all contracts and they may authorize the payment of such sums of money as, in their judgment, is necessary for such purpose before the completion of any contract.”

It will be observed that by section 6, the money of the county is required to be appropriated and rendered available and by section 14, it is provided that the State highway com-

mission, under its rules and regulations, may authorize the payment of such sum of money as in their judgment is necessary for such purpose before the completion of any contract. If it should be held that payments authorized by the State highway commission, or under its rules and regulations could not be made until same are audited and allowed by the court of county commissioners or boards of revenue, it would seem that the money appropriated by the county would not be available as contemplated by section 6 of the act, nor would the proper effect be given to the provisions of section 14 of the act above quoted.

I am, therefore, of the opinion, and so advise you, that when any payment upon a contract entered into in accordance with the provisions of the act creating the State highway commission is approved and authorized by and under the rules of the State highway commission, that it is the duty of the county treasurer to pay the amount so authorized and that it is not necessary that the payment of the account so authorized should first be submitted to and receive the approval of the court of county commissioners or board of revenue and further, that no county treasurer is authorized to pay any money, under the provisions of this act, unless the payment of same has first been authorized under the rules adopted by the State highway commission.

Yours truly,

ROBERT C. BRICKELL,
Attorney General.

COUNTY MAY PAY FARM DEMONSTRATION AGENT.

December 31, 1912.

Hon. Chas. E. McCall,
Chief Examiner of Public Accounts,
Capitol.

Dear Sir:—

Your letter, enclosing letter from Judge H. D. Lampley, and requesting me to advise you thereon, received.

From the letter of Judge Lampley, it appears that he desires to be advised whether under the act approved February 28,

1911, acts, 1911, p. 35, providing for aid by counties to farm demonstration work, the commissioners' court of a county would be authorized to pay a salary out of the county treasury to a United States farm demonstration agent, whose work is limited to such county.

In reply, I beg to advise you that after considering the act, I am clearly of the opinion that the court of county commissioners would be authorized under the provisions of the act to pay a salary out of the county treasury to such farm demonstration agent.

Yours truly,
ROBERT C. BRICKELL,
Attorney General.

TAXATION OF STOCK OF DOMESTIC CORPORATIONS.

January 1, 1913.

Hon. Chas. E. McCall,
Chief Examiner of Public Accounts,
Capitol.

Dear Sir:—

Replying to your letter of the 23d ult. with reference to the right of a domestic corporation to assess its capital stock at an amount less than the amount of capital stock shown by its return of the previous year, where such corporation has not complied with the provisions of section 3480, et seq., of the Code, with reference to the decreasing of its capital stock, I beg to advise you as follows:

The probate judge should refuse to recognize such a decrease in capital stock where there has been no proceeding as required by law to perfect such a decrease. In other words, a corporation organized under the laws of this State must comply with section 3480 of the Code before it can legally decrease its capital stock.

Yours truly,
ROBERT C. BRICKELL,
Attorney General.

**COST OF SCIRE FACIAS PROPERLY TAXES AS COSTS—
PAYMENT OF COSTS IN CRIMINAL CASES.**

January 1, 1913.

Hon. Chas. E. McCall,
Chief Examiner of Public Accounts,
Capitol.

Dear Sir:—

Replying to your letter of the 21st ult., requesting to be advised upon the two questions set out below, I beg to advise you as follows:

Your first question is whether or not the costs of issuing a scire facias by the clerk, and the service of such scire facias by the sheriff, should be taxed against the county when on the hearing of a forfeiture of a bond, such forfeiture is dismissed.

Answering this question, I beg to advise you that it has already been determined by the Supreme Court in the case of *Parker v. State*, 83 Ala. 269, and *Dover, et al. v. State*, 45 Ala. 255, that such costs are proper charges against the county and should be taxed against the county as costs in a civil cause.

Your second question relates to the manner of the payment of the costs in a criminal cause where the defendant is convicted and sentenced to hard labor, to pay the costs, at the rate of seventy-five cents per day, and where the convict is hired out by the county at the rate of ten dollars per month, or where the hire of the convict is insufficient to pay the full amount of the costs.

Replying to this question, I beg to advise you that I find no method for the payment of such costs. I have heretofore advised you on December 19, 1912, that such a claim could not properly be paid out of the fine and forfeiture fund, and there is no other method provided by statute for the payment of such costs. The law evidently contemplated that the sentence of the court should be for a sufficient term for the payment of the costs, and where the county does not receive for hire of the convict the amount of costs due, there does not seem to be any method provided by the Legislature for the payment of the difference.

Yours very truly,

ROBERT C. BRICKELL,
Attorney General.

DECEASED PENSIONERS—PAYMENT OF WARRANTS OF.

January 3, 1913.

Hon. C. B. Smith,
State Auditor,
Capitol.

Dear Sir:—

Yours enclosing letter from Hon. J. P. Stiles, Judge of Probate of Jefferson County, and requesting me to advise you thereon, received.

Judge Stiles desires to be advised in reference to the payment of the warrant of a deceased pensioner on his funeral expenses and to his widow, and desires to know how long and how many warrants can be delivered in payment of the funeral expenses and expenses of the last illness, or to the widow.

Section 10 of the act approved April 24, 1911, which act revises the entire pension system of the State, provides that the widow of a Confederate veteran shall be placed upon the pension roll, upon proof by two reputable witnesses that she is such widow, and section 17 provides that widows shall be pensioners of the third class, while section 27 of the act provides that should a pensioner die, his warrant shall be delivered to his widow or to his minor children, or in default of either, the probate judge shall collect the same and apply the proceeds to the payment of the funeral expenses and the expenses of the last illness of such pensioner. Construing these sections together, as must be done, it would seem that the legislature in providing, by section 10, a prompt method for placing the widow upon the pension roll, did not intend that she should continue to draw the pension of her deceased husband, which would be probably larger than that to which she would be entitled as the widow, for an indefinite term, but provided for the payment to her of any warrant issued before notice of the death of the pensioner has been received by the State auditor. Upon notice of such death being received, the widow would have an opportunity, by complying with section 10, to be placed upon the pension roll and receive the pension to which she would be entitled as such widow.

There can be no difficulty whatever about the warrant for the payment of the burial expenses and expenses of the last illness, as it is clear that the probate judge should continue

during the pension year to collect all such warrants and use them for the payment of such expenses until such expenses have been fully paid.

I am, therefore, of the opinion and so advise you that the first warrant issued after the death of the pensioner should properly be delivered to his widow, but no subsequent warrant should be delivered to her, and that the probate judge should collect the warrant of a deceased pensioner where there is no widow or minor child, and pay the same upon the funeral expenses and expenses of the last illness of the pensioner until the same are fully paid, such warrant cannot be used after the expiration of the pension year.

Yours truly,

ROBERT C. BRICKELL,
Attorney General.

EXCISE COMMISSION—RENEWAL OF LICENSES BY.

January 3, 1913.

Hon. Emmet O'Neal,
Governor,
Capitol.

Dear Sir:—

Your letter requesting me to advise you whether an excise commission has the right to refuse to renew the license of a wholesale or retail dealer to whom such license has been granted the previous year, in the absence of charges or cause for refusal to renew, received.

Section 7 of the act known as the Smith bill provides among other things, "Upon the expiration of each license, the excise commission shall, unless the licensee has forfeited his right under the provisions of this act, issue a certificate to the probate judge to renew said license without the necessity of any formal application on the part of the licensee therefor, upon the required bond being made and paying the necessary license tax and fees therefor."

This provision of the act must, however, be construed in connection with the other provisions of the act and the general powers conferred by the act upon excise commissioners, and so construing it, having in view the purpose of the excise

commissions as shown by the act, it would seem that the excise commission is the sole judge of whether or not the licensee has forfeited his right to a license under the provisions of the act.

I am, therefore, of the opinion, and so advise you, that an excise commission has the power to refuse to renew the license of a wholesale or retail dealer to whom it has been granted during the previous year, upon the expiration of said license, in the absence of charges, if in their opinion the licensee has forfeited the right to such renewal; that they would not have the right to refuse to renew the license without cause, but that they are the sole judges as to whether or not the right to a license has been forfeited.

Yours truly,

ROBERT C. BRICKELL,
Attorney General.

**SHERIFF'S FEES FOR SUMMONING WITNESSES BEFORE
GRAND JURY.**

January 5, 1913.

Hon. Charles L. Townes,
Examiner,
Capitol.

Dear Sir:—

Your letter requesting me to advise you whether sheriffs were entitled to fees for summoning witnesses before the grand jury, received.

In reply I beg to advise you that this entire matter is governed by section 6889 of the Code, and where there are witnesses summoned and an indictment found, although the defendant is not convicted, if the costs are not imposed upon the prosecutor, or if the defendant is convicted and execution returned "no property found," the sheriff would be entitled to his fee for summoning witnesses before the grand jury as a claim against the fine and forfeiture fund, but if no indictment is returned, he would not be entitled to any such fee.

Yours very truly,

ROBERT C. BRICKELL,
Attorney General.

FEED BILL OF SHERIFF—CANNOT BE PAID AFTER PRISONERS ORDERED REMOVED BY STATE PRISON INSPECTOR.

January 7, 1913.

Hon. C. B. Smith,
State Auditor,
Capitol.

Dear Sir:—

Your letter of the 4th inst., requesting me to advise you whether you should pay the feed bill of the sheriff of Jackson county, received.

From your letter it appears that the State prison inspector has ordered the removal of all prisoners confined in the jail of Jackson county to the jail of some other county designated by him, but the sheriff of Jackson county has failed or refused to comply with said order and to remove said prisoners.

Section 14 of the act approved April 8, 1911, creating the office of State prison inspector, acts 1911, p. 356, gives the State prison inspector specific authority to order the removal of prisoners from any jail when, in his judgment, certain conditions, stipulated in the statute, require it, and when notice is received by you that such prisoners have been ordered removed, you must presume that the State prison inspector acted in accordance with the provisions of section 14 of said act.

It cannot be contended that the State should pay for feeding persons confined as prisoners in a jail without authority, and it seems clear from the provisions of section 14 of the act above referred to that the further confinement of prisoners after they have been ordered removed by the State prison inspector in an illegal confinement so far as the place of confinement is concerned, and especially is this true in view of the provisions of section 15 of the act which makes it a criminal offense to fail to obey the orders of the State prison inspector or in reference to the removal of such prisoners. I am, therefore, of the opinion and so advise you, that you could not be authorized to pay for feeding prisoners confined in a jail after their removal has been ordered by the State prison inspector.

Yours truly,

ROBERT C. BRICKELL,
Attorney General.

JAIL—CARE OF.

January 9, 1913.

Dr. W. H. Oates,
State Prison Inspector,
Capitol.

Dear Sir:—

Your letter, enclosing letter from Hon. J. W. Shepherd, Judge of Probate of Walker County, and requesting me to advise you thereon, received.

The questions upon which Judge Shepherd desires to be advised, I will group for greater convenience in answering.

His first, second and fourth questions are, "Would the sheriff or janitor be required to keep the jail heated?" "Would the sheriff or janitor be required to keep the cells clean?" "Would the sheriff or janitor be required to keep the cook room and stove room clean?"

In reply, I beg to advise you that the primary duty is upon the sheriff to see that these places are kept clean and that the jail is heated. It makes no difference whether he performs these duties personally, through the janitor or any one else. These matters are entirely under the supervision of your department and must be attended to to your satisfaction, or you may deal with the jail as authorized by the act creating your office.

Judge Shepherd's third question is, "Would the sheriff or janitor be required to buy blankets, towels, etc?"

This question is plainly answered by the provisions of section 18 of the act which requires the county commissioners to provide towels and sufficient bedding, among other things.

His fifth question is, "Should the county or sheriff pay for fuel to cook with?"

Under the law a sheriff is paid so much a day for feeding prisoners, varying according to the number of prisoners confined in the jail. The fuel with which to cook the food is certainly a necessary element of the preparation of the food, and it is very plain that this expense should be borne by the sheriff.

His sixth question is, "Should the county or sheriff be required to pay for cook stove for jail, and pans, vessels, etc., for the prisoners' meals?"

These things can properly be furnished by the county as a part of the equipment of the jail.

His last question is, "Should the janitor be under bond to the sheriff or county or either?"

There is no provision of law requiring the janitor to be under bond to any one.

Yours truly,

ROBERT C. BRICKELL,
Attorney General.

**PHYSICIAN NOT ENTITLED TO PAY FOR EXAMINING
ABSENT WITNESS.**

January 10, 1913.

Hon. Chas. E. McCall,
Chief Examiner of Public Accounts,
Capitol.

Dear Sir:—

Your letter requesting me to advise you as to whether a claim of a physician under the following circumstances, to-wit, an order of the circuit court as follows: "It being made known to the court that one Mrs. Dora McGhee, a State witness in the case of the State v. Bob Langston, has failed or refused to appear as a witness in this cause on the ground that she is physically unable to attend, it is ordered that an attachment issue for her, and the sheriff is directed to engage the services of a reputable physician to determine her condition, and that a reasonable amount to cover the expense of such examination be paid by the county out of the general funds thereof," is a proper charge against the county, received.

The law places upon the trial judge the duty and responsibility of determining whether or not he will issue an attachment for and compel the attendance of a witness, but I can find no authority which authorizes him, or the court, to employ a physician to advise the court in the matter and charge the same to the county.

In *Van Eppes v. Commisisoners' Court of Mobile*, 25 Ala. 460, the Supreme Court held that the hire of carriages to convey grand juries to the county jail for the purpose of inspect-

ing it, although ordered by the circuit court, was not a proper charge against the county.

In *Naftel v. County of Montgomery*, 127 Ala. 563, the Supreme Court held that a physician could not be paid in excess of the statutory fee of five dollars for conducting an autopsy, although the same was directed by the coroner and the coroner's jury, and in that case, the Supreme Court quoted from and reaffirmed the *Van Eppes* case, *supra*.

I am, therefore, of the opinion, and so advise you, that the claim of a physician is not a proper charge, under the circumstances above set forth, and cannot be paid out of the funds of the county, although such payment was authorized and directed by the circuit judge or circuit court.

Yours truly,

ROBERT C. BRICKELL,
Attorney General.

FEED STUFFS—EXPENSE OF SECURING SAMPLES OF.

January 10, 1913.

Hon. R. F. Kolb,
Commissioner of Agriculture and Industries,
Capitol.

Dear Sir:—

Your letter requesting me to advise you as to whether under section 11 of the act approved March 13, 1911, known as the commercial feeding stuffs act, you have the authority to pay the expenses of men employed in procuring sample of feeding stuffs, such samples to be analyzed by the State chemist, as provided by law, received.

By section 11 of the act above referred to it is provided, "The salary of the special food, drug and feed clerk and all other expenses incurred in enforcing the provisions of this act shall be paid out of the funds arising from the registration fees, the sale of tax tags or stamps, and fines under this act."

The act places upon you or your representative or deputy the duty of collecting samples to be analyzed by the State chemist, and I am, therefore, of the opinion, and so advise you,

that the expenses incurred by those authorized by you to act as your representative in this matter, may be paid out of the funds designated in section 11 of the act above referred to.

Yours truly,

ROBERT C. BRICKELL,
Attorney General.

MORTGAGE TAX—BASIS OF.

Hon. C. B. Smith,
State Auditor,
Capitol.

Dear Sir:—

Your letter, enclosing communication from the probate office of Bullock county, and requesting me to advise you thereon, received.

It appears that that office desires to be advised as to whether it should collect the mortgage tax provided by subdivision 7 of section 2082 of the Code as amended by the act of March 31, 1911, upon the amount of the indebtedness on a mortgage theretofore recorded, which is included in a mortgage given to secure another indebtedness, contracted since the giving of the first mortgage.

In reply, I beg to advise you that a mortgage tax should be collected upon the balance due on the old mortgage indebtedness and also upon the amount of the new indebtedness, both amounts being added together in order to arrive at the amount of the mortgage tax which should be imposed, as clearly, the amount of the indebtedness and the time of the maturity do not remain unchanged and the old indebtedness, therefore, is not exempted under the provisions of section 14 of the act of March 31, 1911.

Yours truly,

ROBERT C. BRICKELL,
Attorney General.

REMOVAL OF PRISONERS—EXPENSE OF.

January 17, 1913.

Hon. C. B. Smith,
State Auditor,
Capitol.

Dear Sir:—

I have examined the removal bill of James T. Masterson, Sheriff of Lawrence County, for the removal of Jack Reeves from Cullman county to Morgan county as per your request, and beg to advise you that, in my opinion, you are authorized to pay such part of the expense as is shown to have been incurred by Sheriff Masterson for himself and for the prisoner, but no other expense.

You cannot pay the expenses of the guard for the reason that the papers do not show any application to the judge of probate or order by him for a guard as provided by section 6642 of the Code, nor can you pay the item of expense for money paid by him to the sheriff of Cullman county.

I return you herewith the papers sent me in this matter.

Yours truly,

ROBERT C. BRICKELL,
Attorney General.

**PAYMENT OF JUDGE OF PROBATE OF WILCOX COUNTY,
UNDER LOCAL LAW. COPYING RECORDS OF
CHANCERY COURT—PAUPERS.**

January 17, 1913.

Hon. J. T. Gorman,
Examiner of Public Accounts,
Camden, Alabama.

Dear Sir:—

Your letter, in reference to the payment of one hundred dollars to the judge of probate of Wilcox county under section 22 of the act in reference to the public roads of Wilcox county, Local Acts, 1911, p. 265, received.

As the payments about which you inquire are especially authorized by the act, and as the act is not palpably unconstitutional, I do not consider that it would be proper for this office to so hold, and I, therefore, advise you that he is entitled to the compensation fixed by the act.

You also inquire whether a county can legally pay for copying the records of the chancery court which, from age and usage, have become damaged to such an extent as, in the judgment of the commissioners' court, require that they be recopied.

No higher duty is imposed upon the county than that of properly preserving the records of its courts, and it seems to me that this expenditure is properly made for that purpose.

You request also to be advised as to whether the following order made by the court of county commissioners, "It is ordered by the court that the paupers for Wilcox county be let to R. B. McNeil for the years 1910, 1911 and 1912 at the yearly amount of \$850.00 to be paid quarterly," is in compliance with the law with reference to poor houses and paupers.

In reply, I beg to advise you that under the authority of the case of *State ex rel. Farnum v. Mims*, 57 South. Rep. 466, this is not in compliance with the law and such payments are illegal.

You also request to be advised as to whether the Supreme Court has decided that defendants can be sentenced to hard labor for removal bills.

I do not know of any such decision and have been unable to find same.

You ask to be advised as to the constitutionality of the local act for Wilcox county abolishing the fine and forfeiture fund and making provision for the payment of claims against the fine and forfeiture fund of said county, Local Acts, 1911, p. 198, in so far as it affects the fees of the clerk and sheriff.

In reply, I beg to advise you that this is a question which could only be raised by the officer affected.

Yours truly,

ROBERT C. BRICKELL,
Attorney General.

**REMOVAL OF PRISONERS UNDER HABEAS CORPUS—
PAYMENT FOR.**

January 18, 1913.

Hon. J. T. Gorman,
Examiner of Public Accounts,
Capitol.

Dear Sir:—

Your letter of the 16th inst., in which you inquire whether the State can legally pay for the removal by the sheriff of a prisoner in his charge from Wilcox county to Mobile county and return in obedience to a writ of habeas corpus granted by the chancellor and returnable to him in Mobile, received.

I am of the opinion, and so advise you, that such a charge is a proper charge and was properly paid.

Yours truly,

ROBERT C. BRICKELL,
Attorney General.

STATE BOARD OF MEDIATION—EXPENSES OF.

January 18, 1913.

Hon. Emmet O'Neal,
Governor,
Capitol.

Dear Sir:—

Yours requesting me to advise you as to whether the expenses of a member of the State board of mediation and arbitration in attending a meeting of the National Civic Federation could be paid by the State, received.

In reply, I beg to advise you that after an examination of the act creating the State board of mediation and arbitration, I am unable to find any authority for the payment of such expenses by the State.

Yours truly,

ROBERT C. BRICKELL,
Attorney General.

**INDIGENTS UNDER QUARANTINE MAY BE CARED FOR BY
COUNTY FOR THIRTY DAYS.**

January 18, 1913.

Hon. Chas. E. McCall,
Chief Examiner of Public Accounts,
Capitol.

Dear Sir:—

Your letter, requesting me to advise you upon the letter of Judge Clayton Foscue, enclosed, received.

The question upon which Judge Foscue desires to be advised is whether persons quarantined on account of smallpox, who are indigent and unable to support themselves, can be furnished with supplies by the county while they are so quarantined.

In reply, I beg to advise you that they can be so provided for for a period of thirty days under the provisions of section 1607 of the Code and also under the provisions of section 752 of the Code.

Yours truly,

ROBERT C. BRICKELL,
Attorney General.

FERTILIZER—7% AMMONIA NOT.

January 18, 1913.

Hon. R. F. Kolb,
Commissioner of Agriculture and Industries,
Capitol.

Dear Sir:—

Your letter of the 14th inst., requesting me to advise you whether you could register as a fertilizer a brand of cotton seed meal containing only 7% maximum of ammonia, received.

In reply, I beg to advise you that under the provisions of section 1 of an act entitled an act "To regulate the sale of cotton seed meal," approved November 22, 1907, it is provided "That no cotton seed meal containing less than 7½% of ammonia shall be sold as fertilizer in this State."

The legislature certainly would not have provided that a thing should not be sold as a fertilizer and at the same time authorize its registration as a fertilizer. To so hold would be a *reductio ad absurdum*.

I am, therefore, of the opinion and so advise you that cotton seed meal containing less than 7% of ammonia cannot be registered as fertilizer by you.

Yours truly,

ROBERT C. BRICKELL,
Attorney General.

**OFFICERS' CLAIMS—NOT RECEIVABLE IN PAYMENT OF
FORFEITURES OF BONDS.**

January 18, 1913.

Hon. Charles L. Townes,
Examiner of Public Accounts,
Fort Payne, Alabama.

Dear Sir:—

Your letter of the 17th inst., requesting me to advise you whether forfeitures of bonds could be paid with officers' claims which are duly registered against the fine and forfeiture fund, although there may be a number of registered claims outstanding against said fund, received.

Section 6666 of the Code provides that the claims of witnesses against the fine and forfeiture fund are receivable in payment of any debt due to the county for fines and forfeitures. There is no provision by which the claims of officers against the fine and forfeiture fund are so receivable, and I am, therefore, of the opinion, and so advise you, that under the facts stated in your letter, the claims of officers against the fine and forfeiture fund are not receivable in payment of a forfeited bond.

Yours truly,

ROBERT C. BRICKELL,
Attorney General.

HIRE OF CONVICTS PRORATED TO PAY COSTS.

Hon. Chas. E. McCall, January 20, 1913.
Chief Examiner of Public Accounts,
Capitol.

Dear Sir:—

I beg to acknowledge receipt of your letter of the 4th inst., requesting to be advised as to whether or not the county treasurer should pay to the clerk of the circuit court of the county the full amount of the solicitor's fee assessed as costs in the case where the amount received from the hire of the convict is not sufficient to pay the entire amount of costs. In other words, the question is whether or not the State should receive its full amount of costs as solicitor's fee where a defendant works out his costs at the rate of seventy-five cents per day and the county hires such convict out at a smaller rate. You also request to be advised as to whether or not in similar cases, the committing magistrates are entitled to their full amount of costs.

Answering both of these questions at the same time, I beg to advise you that it is my opinion that the amount received from the hire of a convict should be prorated for the purpose of payments of the costs. That is, the amount of costs due the several officers entitled thereto should be in proportion to the amount received from the hire of such convict.

I return you herewith the letter submitted to me in this matter.

Yours very truly,

ROBERT C. BRICKELL,
Attorney General.

**STOCKHOLDERS MEETINGS—FRAUDULENT PROXIES
VOTED AT**

Hon. Cyrus B. Brown, January 23, 1913.
Insurance Commissioner,
Capitol.

Dear Sir:—

On the 23d ult., you requested my opinion on the following question: Whether or not the voting of fraudulent and unau-

thorized proxies at a meeting of the stockholders of an insurance company in this State would invalidate or render void the proceedings of such meeting, such meeting being held for the purpose of changing the name of the company and reducing the capital stock of the company.

Answering your question, I beg to advise you as follows: After an investigation of this proposition, I am of the opinion that unless the number of fraudulent proxies voted at the meeting was sufficient to change the result, the voting of such fraudulent proxies would not render the proceedings of such meeting void. In other words, if at the meeting, a sufficient number of valid, legal votes were cast, after leaving out of consideration the fraudulent votes, then I beg to advise you that the voting of the fraudulent proxies could have no effect and the proceedings of such meeting are valid and remain in full force. Cook on Corporations, 6th Division, section 620; Harbin v. Phillips, 23 L. R., Ch. D., 14; Craig v. First Presbyterian Church, 88 Pa. St., 42.

I return you herewith the papers submitted to me in this matter.

Yours truly,

ROBERT C. BRICKELL,
Attorney General.

BOARD OF REGISTRARS—SESSIONS OF.

January 28, 1913.

Hon. Emmet O'Neal,
Governor,
Capitol.

Dear Sir:—

Your letter, enclosing letter from the chairman of the board of registrars of Jefferson county, in which he desires to be advised as to whether the board of registrars should sit for the purpose of registering voters before the holding of a special stock election, which has been called for February 24, 1913, in two beats of Jefferson county, received.

Section 308 of the Code provided that special registration should be held on Friday and Saturday next preceding the day of each general or municipal election, and under that section of the Code, my predecessor in office advised the State auditor that no session of the board of registrars should be held prior to a special county election under the provisions of the act approved February 26, 1907, known as the Local Option Law. This opinion by my predecessor was rendered on the 23d day of October, 1907. Thereafter, at a special session of the legislature, an act was passed, approved November 23, 1907, which was entitled an act "To further regulate elections in the State of Alabama," Acts Special Session, 1907, p. 68.

By section 6 of said act, it is provided, "On Friday and Saturday next preceding the day of each primary, special, general or municipal election held under the general municipal laws of this State, the registrars shall sit at the court house of each county."

Thereafter on March 12, 1909, my predecessor advised that under the provisions of the act last referred to, which statute he held should be construed liberally, the board of registrars of a county should sit on the Friday and Saturday next preceding the day of each special election.

Elections for the establishment of stock law districts are provided for under the general laws of this State, Code, sections 5881, 5895.

It, therefore, seems clear to me, and I so advise you, that the board of registrars of Jefferson county should sit on Friday and Saturday next preceding the election ordered for the purpose above stated, as provided by section 6 of the act of November 23, 1907, to which the attention of the registrars is especially called as directing who may be permitted to register at that time.

Yours truly,

ROBERT C. BRICKELL,
Attorney General.

**SHERIFF'S FEES FOR SUMMONING WITNESSES BEFORE
GRAND JURY.**

February 4, 1913.

Hon. H. Y. Brooke,
Examiner of Public Accounts,
Capitol.

Dear Sir:—

Your letter propounding to me certain questions in reference to the payment of sheriff's fees for serving witnesses before the grand jury, received.

I enclose you herewith copy of opinion given by me to Examiner Townes upon this subject.

The first question upon which you desire to be advised, "Is the sheriff entitled to receive pay for witnesses served by the bailiffs of the grand jury? Said bailiffs are paid out of the county treasury, and are to obey the orders of the inquisitorial body."

In reply to this question, I beg to advise you that the sheriff is not entitled to receive pay for witnesses summoned by the bailiffs of the grand jury for the reason that the bailiff is not at that time acting in any manner for the sheriff, but acting strictly in his capacity as bailiff for which he receives compensation.

Your second question is, "Where a witness is recognized for appearance before the grand jury in a case waived from the county court, does the sheriff get pay for said witness before the grand jury?"

In reply to this question, I beg to advise you that he does not for the reason that under the circumstances stated, no summons before the grand jury is necessary.

Your third question is, "How is the clerk of the circuit court and the examiners to distinguish which witnesses are served by bailiff and which are served by sheriff, when the time arrives to certify script against the fine and forfeiture fund?"

In reply to this question, I beg to advise you that I cannot lay down rules for the establishment of facts, and the fact as to whether the subpoena was served by the sheriff or by the bailiff, is a fact which must be ascertained as any other fact.

Yours truly,

ROBERT C. BRICKELL,
Attorney General.

DOMESTIC CORPORATIONS—LIABILITY FOR CORPORATION TAX.

February 7, 1913.

Hon. Chas. E. McCall,
Chief Examiner of Public Accounts,
Capitol.

Dear Sir:—

Your letter, enclosing letter of Hon. A. L. Hasty, Judge of Probate of Marengo County, received.

From the letter of Judge Hasty, it appears that certain corporations have declined to pay their corporation tax upon the ground that they are paying a license tax specifically required of them for the business in which they are engaged and are thereby exempt from paying the corporation tax under sub-division 26 of section 2361 of the Code.

This contention would be correct if the tax was exacted under sub-division 26 of section 2361 of the Code, but the tax is not imposed under sub-division 26 of section 2361 of the Code, but under section 12 of the act approved March 31, 1911, entitled an act "To further provide for the revenues of the State of Alabama." Acts, 1911, p. 159, the provision of section 12 being, "All corporations organized under the laws of this State shall pay annually the following franchise tax." The provisions of sub-division 26 of section 2361 of the Code is, "All corporations organized under the laws of this State and doing business in this State not otherwise specifically required to pay a license tax, shall pay annually the following privilege taxes."

It will be observed that the words "and doing business in this State, not otherwise specifically required to pay a license tax" are omitted from section 12 of the act of 1911.

It is, therefore, clear that all corporations organized under the laws of this State are required to pay the franchise tax imposed by section 12 of the act of 1911 regardless of whether they are specifically required to pay a license tax.

I am, therefore, of the opinion, and so advise you, that the corporations referred to in the letter of Judge Hasty should be required to pay the franchise tax imposed by section 12 of the act of 1911.

Yours truly,
ROBERT C. BRICKELL,
Attorney General.

TAX SALES—FEES OF TAX COMMISSIONER.

Hon. C. B. Smith,
State Auditor,
Capitol.

February 7, 1913.

Dear Sir:—

Your letter, enclosing correspondence between yourself and W. K. Thurber as to the commission which should be allowed the tax commissioner on certain tax sales made in the year 1911, received.

From the papers enclosed, it appears that on April 8, 1911, a decree was rendered by the probate court for the sale of certain lands and that a fee of 20 per cent of the amount of the tax was included in the decree under the provisions of section 2256 of the Code, and not a fee of 50 cents as provided by section 10 of the Act approved March 31, 1911, entitled an Act "To further provide for the revenues of Alabama," Acts 1911, p. 159.

The Act of 1911 being penal in its nature did not go into effect until thirty days after its approval, and was not of force and effect on the 8th day of April, 1911, but section 2256 of the Code which is amended by the Act was still of force and effect and the decree of the court properly followed the provisions of section 2256.

I am, therefore, of the opinion and so advise you that under the facts stated, the fee of 20 per cent. provided by section 2256 of the Code was proper.

I return you herewith the papers sent me.

Yours truly,

ROBERT C. BRICKELL,
Attorney General.

CITY AND COUNTY CONVICTS—HIRE OF.

Hon. Emmet O'Neal,
Governor,
Capitol.

February 8, 1913.

Dear Sir:—

Your letter requesting me to advise you as to whether under the law a county can hire its convicts to work at any lumber

or turpentine camp, also requesting me to advise you if the words *county convicts* as used in the Act of the Legislature approved November 30, 1907, as found on page 422, 3d vol. of the Code of 1907, also include convicts known as State convicts and prisoners sentenced by cities and towns, received.

After an examination of the Act, I am of the opinion and so advise you that under the provisions of the Act, the county can hire its convicts to work at lumber or turpentine camps, or such other work as the court of county commissioners may desire, such action on the part of the court of county commissioners being especially authorized by section 2 of the Act. I am further of the opinion and so advise you that said Act does not apply to any other convicts than county convicts and has no application whatsoever to State convicts or to convicts sentenced by cities or towns.

Yours truly,

ROBERT C. BRICKELL,
Attorney General.

**SHERIFFS' PAY FOR SERVING JURIES IN LUNACY CASES
—COUNTY CANNOT PAY FOR NEWSPAPER OF AN-
OTHER COUNTY—ROAD SERVICE—ITEMIZATION OF.**

February 13, 1913.

Hon. J. T. Gorman,
Examiner of Public Accounts,
Mobile, Alabama.

Dear Sir:—

Your letter of the 11th inst., submitting to me certain questions, received.

The first question upon which you desire to be advised is, "Are sheriffs entitled to pay by the county for summoning juries in lunacy cases?"

This question is governed by section 3722 of the Code which so far as applicable is "Services in relation to persons of unsound mind the same fees as are allowed for similar services in other cases to be paid out of the county treasury

if such person has no estate." A further provision of said section is as follows: "Summoning a jury for any inquisition in the county or under writ and ad quod dannum or dower and attending such jury and taking inquests, per day when no other provision is made by law, five dollars."

Giving force and effect to the first of the section above quoted and to the latter portion of the section also quoted. I am of the opinion and so advise you that the sheriffs are entitled to be paid by the county as provided in said section for summoning juries in lunacy cases if the person whose mental condition is under examination, has no estate.

Your second question is, "Can a county pay for a subscription for a newspaper published in another county, for the probate judge's office?"

I beg to advise you that I can find no authority for such an allowance.

In another letter of the same date, you also inquire whether the sheriff and probate judge should make out itemized bills for their road services and whether they are entitled to receive pay for road services when they perform none.

In reply, I beg to advise you that the statement for road services would be a sufficient itemization, and the commissioners' court is the sole and proper judge as to whether or not they have performed road services, and if so, what compensation should be allowed them, not exceeding the amount fixed by statute.

Answering another letter of yours of the same date in reference to the payment by Mobile County of certain charges and requesting to be advised whether these charges should be paid out of the road fund or out of the proceeds of a sale of bonds issued for road purposes, I beg to advise you that it is immaterial from which fund such payments are made.

Yours truly,

ROBERT C. BRICKELL,
Attorney General.

CLUB LIQUOR LICENSE.

February 18, 1913.

Hon. Emmet O'Neal,
Governor,
Capitol.

Dear Sir:—

Your letter, enclosing letter from Hon. E. Wilkinson, one of the Excise Commissioners of Jefferson County, received.

From the letter of Mr. Wilkinson, it appears that the Excise Commission of Jefferson County desires to be advised as to its right to issue license to a bona fide social club outside the corporate limits of the city of Birmingham but within its police jurisdiction.

Among the provisions of section 11 of the Act approved April 6, 1911, known as the Smith Bill, Acts 1911, p. 257, is found the following:

No license shall be issued to a corporation except a domestic corporation authorized by its charter to engage in the business of manufacturing or selling at wholesale spirituous, vinous or malt liquors or operating a bona fide hotel or restaurant, or bona fide social club located within the police jurisdiction of the city or town."

I am, therefore, of the opinion and so advise you that the Excise Commission of Jefferson County may issue a license to bona fide social clubs located within the police jurisdiction of the city of Birmingham provided that by so doing they do not exceed the number of licenses allowed under the provisions of the Act above quoted.

Yours truly,

ROBERT C. BRICKELL,
Attorney General.

COUNTY MAY LEASE PROPERTY FOR POORHOUSE.

February 20, 1913.

Hon. J. T. Gorman,
Examiner of Public Accounts,
Mobile, Alabama.

Dear Sir:—

Your letter, requesting me to advise you as to whether a county can rent property for the purpose of use as a poor-house until such time as they can build and equip a poor-house, received.

After an examination of chapter 37 of the Code, embracing sections 1598 to 1617 inclusive, I am of the opinion and so advise you that the county may lease property to be used for a poor-house and may support the paupers confined therein, but that the poor-house so maintained must be entirely under the jurisdiction and control of the court of county commissioners as provided by the Code, and that the lease of the property must not be an indirect method of leasing the paupers to the owner of the property or any one else.

Yours truly,

ROBERT C. BRICKELL,
Attorney General.

**STENOGRAPHER'S REPORT OF PRELIMINARY TRIAL—
PAYMENT FOR.**

February 20, 1913.

Hon. Chas. E. McCall,
Chief Examiner of Public Accounts,
Capitol.

Dear Sir:—

Your letter, enclosing letter from Hon. A. H. Glasgow, Judge of Probate of Cleburne County, and requesting me to advise you thereon, received.

The matter upon which Judge Glasgow desires to be advised is whether a charge for a stenographer to take down the testimony in the preliminary trial of a person charged with murder, where such person is employed on the advice and request of the solicitor, is a proper charge against the county.

In reply, I beg to advise you that I have been unable to find any provision of law which would authorize this charge, and I am, therefore, of the opinion and so advise you that such a charge is not a proper charge against the county.

Yours truly,

ROBERT C. BRICKELL,
Attorney General.

**CORPORATIONS—REPORT OF INCORPORATION TO
SECRETARY OF STATE.**

February 22, 1913.

Hon. J. T. Gorman,
Examiner of Public Accounts,
Mobile, Alabama.

Dear Sir:—

Your letter, requesting me to advise you whether a foreign corporation which has copies of its articles of incorporation filed in the office of the judge of probate and recorded there is liable for a charter fee, received.

In reply, I beg to advise you that they are not liable for such fee and I know of no provision of law authorizing the articles of incorporation to be recorded anywhere except in the office of the Secretary of State.

You further inquire "Should a corporation organized to promote the industrial, commercial and business interest of the city and county of Mobile but not for pecuniary profit, be reported to the Secretary of State under section 3455 of the Code?"

In reply, I beg to advise you that the organization of such corporation should be reported to the Secretary of State under the provision of said section.

Yours truly,

ROBERT C. BRICKELL,
Attorney General.

**REVOCATION OF LIQUOR LICENSE BY EXCISE
COMMISSION.**

February 22, 1913.

Hon. Emmet O'Neal,
Governor,
Capitol.

Dear Sir:—

Your letter, enclosing letter from Mr. W. C. Agee, Chairman of the Excise Commission of Jefferson County, and requesting me to advise you thereon, received.

The question upon which Mr. Agee desires to be advised is whether an excise commission has the right to revoke or suspend a license for a violation of section 28 of the Act known as the Smith Bill in that the bar fixtures used in a saloon are furnished by some one engaged in the manufacture or sale of spirituous, vinous or malt liquors, and whether such fixtures could be claimed or recovered by the manufacturer or foreign brewer who furnished them.

In reply, I beg to advise you that it was clearly the purpose of the legislature in the passage of the Smith Bill to separate entirely the sale of liquors at retail from their manufacture or sale at wholesale and to prevent any connection whatsoever that would bind the retailer to any wholesaler or manufacturer, and the method of ownership of the fixtures by the distiller or brewer was so well known that the legislature expressly provided against such ownership, and that such ownership would be a good and sufficient ground upon which the excise commission could suspend or cancel or revoke the license of any retail dealer, and further that under the express provision of section 28 of the Act, such person furnishing the fixtures could not claim or recover them.

I return you herewith the letter of Mr. Agee.

Very truly,

ROBERT C. BRICKELL,
Attorney General.

MORTGAGE RECORD TAX—AMOUNT OF.

February 24, 1913.

Hon. Chas. E. McCall,
Chief Examiner of Public Accounts,
Capitol.

Dear Sir:—

Your letter, referring to me a communication from Hon. H. D. Lampley, Judge of Probate of Butler County, received.

The question upon which Judge Lampley desires to be advised is where a conditional sale contract is filed with him, as probate judge, for record and said contract recites the purchase price is so much, of which so much is paid cash in advance and so much in installments thereafter, should he charge a record tax upon the amount shown by the contract as the purchase price of the property, or only upon the amount of the unpaid balance shown by the contract.

In reply, I beg to advise you that the mortgage tax imposed is imposed not upon the sale but upon the indebtedness which the instrument secures and money paid at the time of the purchase and delivery of the property could not be a part of the indebtedness, and, therefore, the mortgage tax should only be exacted upon the amount unpaid at the time of the delivery of the property.

Yours truly,

ROBERT C. BRICKELL,
Attorney General.

**EXPENSES OF KEEPING JURY TOGETHER, PAYMENT FOR
POSSE TO PREVENT LYNCHING NOT ENTITLED
TO PAY.**

February 24, 1913.

Hon. Chas. E. McCall,
Chief Examiner of Public Accounts,
Capitol.

Dear Sir:—

Your letter, enclosing letter from Hon. W. W. Lindsey, Judge of Probate of Choctaw County, and requesting me to advise you thereon, received.

Judge Lindsey desires to know whether the charges for feeding and sleeping jurors in capital cases where the jury is not permitted to separate, is a proper charge against the county.

In reply, I beg to advise you that as the law requires the jury in such cases to be kept together, it necessarily follows that all proper expenses incurred therein are proper charges against the county, and that the charges for feeding and sleeping the jurors in such cases are, therefore, proper charges against the county.

Another question upon which Judge Lindsey desires to be advised is if the sheriff should summon a posse of citizens to guard the jail to prevent lynching, can the county pay such guards for their services.

Section 7710 of the Code, and the cases thereunder cited, show that it is the duty of citizens to unhesitatingly obey the command of an officer to assist him under such circumstances, and their failure to do so is made a misdemeanor by statute.

The duty of aiding an officer in enforcing the law is one of the high duties of citizenship, the discharge of which the citizen is not allowed to avoid.

I am, therefore, of the opinion and so advise you that a charge for services of guards under the circumstances indicated in the letter of Judge Lindsey is an improper charge and should not be allowed.

Yours truly,

ROBERT C. BRICKELL,
Attorney General.

TRANSCRIPTS IN CRIMINAL CASES—PAYMENT FOR.

February 25, 1913.

Hon. H. Y. Brooke,
Examiner of Public Accounts,
Birmingham, Alabama.

Dear Sir:—

Your letter, requesting me to advise you upon a certain state of facts recited therein, received.

From your letter, it appears that one Tom Wilson was indicted and sentenced to hard labor pending an appeal; that while he was serving his sentence the appeal was perfected, but that his sentence for costs did not include the cost of preparing the transcript upon appeal, and you desire to be advised as to whether the cost of preparing such transcript is a proper charge against the fine and forfeiture fund of the county.

In reply, I beg to advise you that there is no provision under section 6889 of the Code, which section governs the payment of claims against the fine and forfeiture fund, for the payment of such a claim and its payment is, therefore, unauthorized.

Yours truly,

ROBERT C. BRICKELL,
Attorney General.

**PROBATE JUDGE OF SHELBY COUNTY—EX-OFFICIO
FEES OF.**

March 3, 1913.

Hon. Chas. E. McCall,
Chief Examiner of Public Accounts,
Capitol.

Dear Sir:—

Your letter, enclosing letter from Hon. J. L. Peters, President of the Board of Revenue of Shelby County, in reference to the claim of six hundred dollars for ex-officio fees of the judge of probate of Shelby County for the year 1912, received.

These ex-officio fees to the extent of six hundred dollars are claimed by the judge of probate under the provisions of an Act of the Legislature, local in its nature, passed at the session of 1900-01 and found on p. 2024 of said Acts.

I have examined this Act and also the general law with reference to the ex-officio fees of probate judges, and after considering the Act in connection with the general law and with the policy of the Legislature as evinced by numerous Acts in reference to the ex-officio fees of county officers, I am of the opinion, and so advise you, that the Act is permissive only as to the amount that may be allowed to probate judges for ex-officio services, but is in no sense mandatory, and that

the whole question as to what amount shall be allowed the probate judge of Shelby County for his ex-officio services rests in the sound judgment of the board of revenue provided, however, it cannot exceed the sum of six hundred dollars fixed in the Act.

Yours truly,

ROBERT C. BRICKELL,
Attorney General.

FRANCHISE TAX—AMOUNT OF

March 4, 1913.

Hon. C. B. Smith,
State Auditor,
Capitol.

Dear Sir:—

Your letter, enclosing letter from Hon. J. V. Allen, Tax Commissioner of Jefferson County, in reference to the franchise tax upon certain corporations, received.

From Mr. Allen's letter, it appears that certain corporations have organized during the year with a small amount of capital stock which is subsequently increased, but that they pay their franchise tax upon the capital stock which is paid up at the time of the organization and not upon the amount of the capital stock as increased.

This franchise tax is imposed upon the paid up capital stock and the tax is due January 1st of each year, and in default, on February 1st thereafter, the tax being payable annually.

The amount of the tax must be determined by the amount of the capital stock paid up at the time the license is taken out, which must be between January 1st and February 1st. Any increase of the capital stock after that time would be taxable when the corporation was required to pay its franchise tax for the next year. Any other interpretation of the Act would lead to great confusion and uncertainty, and such could not have been the legislative intent.

Yours truly,

ROBERT C. BRICKELL,
Attorney General.

ROADS OF MOBILE COUNTY.

March 5, 1913.

Hon. J. T. Gorman,
Examiner of Public Accounts,
Mobile, Alabama.

Dear Sir:—

Your letter, requesting me to advise you upon certain matters therein mentioned, received.

The first question upon which you desire to be advised is whether the Board of Revenue of Mobile County has the right to transfer the general fund of the county to the road fund when by such transfer there is not left in the general fund a sufficient amount to pay the salaries of the county officers and the Ordinary claims against the county.

In reply, I beg to advise you that by section 5766 of the Code, the board is authorized to transfer any surplus of the general fund to the road fund but no such transfer is authorized unless there be a surplus in the general fund, and if by such transfer, there is not left a sufficient amount in the general fund to pay the salaries of the county officers and the ordinary claims against the county, there can be no surplus which would authorize such transfer and such transfer is illegal.

You further desire to be advised upon the following question, "In order to prevent laborers on the public roads from paying discount on their warrants for their wages, the amount of such discount is added to their wages. Is this not a circuitous method of paying interest and is it legal?"

If it appears upon the face of the transaction that the amount paid is for labor and the hire of the laborer, it is entirely within the jurisdiction of the board of revenue to determine what they will pay, and it is immaterial by what method they arrive at an agreement as to the amount they will pay.

You also desire to be advised as to whether the board of revenue may increase the salary of its clerk during his term of office.

In reply, I beg to advise you that the clerk of the board of revenue is not such an officer as to come within the meaning of the constitutional provision which prohibits the increase or

decrease of the compensation of an officer during his term of office.

Yours truly,

ROBERT C. BRICKELL,
Attorney General.

FOREIGN CORPORATIONS—CAPITAL OF.

Hon. C. B. Smith,
State Auditor,
Capitol.

March 8, 1913.

Dear Sir:—

Your letter, enclosing letter from Hon. J. V. Allen, Tax Commissioner of Jefferson County, and requesting me to advise you thereon, received.

From the letter of Mr. Allen, it appears that he desires to be advised as to whether stock carried in this State by a foreign corporation should be included as a part of its capital employed in the State in arriving at the amount of the franchise tax which should be paid by it under the provisions of section 12 of the last revenue Act.

The provision of the Act is, "for a tax upon the actual amount of capital employed in this State." Money invested in personal property, carried in stock for sale, it seems to me would unquestionably be part of the actual capital employed in the State, and as such, a part of the amount upon which the franchise tax should be based.

Yours truly,

ROBERT C. BRICKELL,
Attorney General.

SEWING MACHINES—DELIVERY AND DISPLAY OF.

Hon. C. B. Smith,
State Auditor,
Capitol.

March 18, 1913.

Dear Sir:—

In reply to your favor of the 10th inst., enclosing letter from Mr. H. C. Thach with reference to the license required

of persons using wagons for delivering or displaying sewing machines, I beg to advise you that it is the contention of the State that the tax required is not directed against a shipment whether intrastate or interstate, or against the business of selling, but is directed to the method of delivering or displaying the article sold. This is not beyond the inherent power of a State to tax any particular trade, calling or business.

Armour Packing Company v. Lacy, 200 U. S. 226, 235;
Cook v. Marshall County, 196 U. S. 261, 274;
Connally v. United Sewer Pipe Co., 184 U. S. 540, 562-3;
Quartelbaum v. State, 79 Ala. 1.

“The provision of the Fourteenth Amendment, that no State shall deny to any person within its jurisdiction the equal protection of the laws, was not intended to prevent a State from adjusting its system of taxation in all proper and reasonable ways. It may, if it chooses, exert certain classes of property from any taxation at all, such as churches, libraries and the property of charitable institutions. It may impose different specific taxes upon different trades and professions, and may vary the rates of excise upon various products; it may tax real estate and personal property in a different manner; it may tax visible property only, and not tax securities for payment of money; it may allow deductions for indebtedness, or not allow them. All such regulations, and those of like character, so long as they proceed within reasonable limits and general usage, are within the discretion of the State Legislature, or of the people of the State in framing their Constitution.”

Bell's Gap Railroad Co. v. Pa. 134 U. S. 232, 237.

The tax provided for under section 32 of the Revenue Bill, Acts 1911, p. 180, should, therefore, be exacted.

I am returning Mr. Thach's letter to you.

Yours very truly,

WM. L. MARTIN,
Assistant Attorney General.

PEDDLERS OF MEDICINES—TAXATION OF.

March 18, 1913.

Hon. C. B. Smith,
State Auditor,
Capitol.

Dear Sir:—

In reply to your favor of the 17th inst., enclosing letter from Hon. J. L. Herring, Judge of Probate of St. Clair County, asking advice regarding the construction of section 38 of the Revenue Bill, Acts 1911, p. 189, with reference particularly to the license exacted of peddlers of patent medicines, I beg to advise you as follows:

Section 38 exempts certain classes from paying the license required of peddlers but provides that "there shall be no peddling of patent medicine by persons exempted from taking out a license to peddle." Page 191. From the information contained in Judge Herring's letter, the person peddling claims an exemption on the ground that he is disabled under the statute and that he sells a proprietary medicine and not a patent medicine.

This distinction is one which does not necessarily permit the exemption. A patent medicine is one "prepared for immediate use by the public, put up in packages or bottles, labelled with the name and accompanied with wrappers containing directions for their use and the conditions for which they are specifics.

State v. Donaldson, 41 Minn. 747.

A proprietary medicine is one that is owned by, or belongs to a proprietor, or by one having the legal right or exclusive title to such medicine. The word "proprietary" has reference particularly to the good will and business reputation appurtenant to the article sold.

Webster's Dictionary;

Ferguson v. Arthur, 117 U. S., 482.

It is evident, therefore, that a proprietary medicine may be a patent medicine, and vice versa. The test is whether the article sold comes within the definition of a patent medicine

as hereinabove set out, and is a question of fact. If it does, it is a patent medicine though at the same time it may be a proprietary medicine and the exemption under section 38 cannot prevail.

I beg to return you herewith Judge Herring's letter.

Yours very truly,

WM. L. MARTIN

Assistant Attorney General.

CORPORATION LICENSE TAX—ENFORCEMENT OF.

March 19, 1913.

Hon. C. B. Smith,
State Auditor,
Capitol.

Dear Sir:—

In reply to your favor of the 17th inst. enclosing letter from Mr. D. M. Remson, Tax Commissioner of Talladega County, which I return you herewith, asking the remedy to be pursued toward a delinquent corporation to compel it to take out a license, beg to advise you that under section 9 of an Act "To better provide for the revenues of the State of Alabama," Acts 1911, p. 159, 168, the tax commissioner has authority to "institute or cause to be instituted criminal proceedings against such delinquent, before any court having jurisdiction of such offenses."

The proper method of proceeding against a corporation is by warrant of arrest against one of its active officers or employees acting as its agent, such as the manager or superintendent, the agent being subject to prosecution for engaging in a business for which his principal has not taken out a license.

Ellsberry v. State, 52 Ala. 8;
City Council v. Shoemaker, 51 Ala. 114;
Abel v. State, 90 Ala. 631;
N. C. & St. L. Ry. Co. v. Attalla, 118 Ala. 368.

Yours very truly,

WM. L. MARTIN,

Assistant Attorney General.

MORTGAGE TAX.

March 19, 1913.

Hon. C. B. Smith,
State Auditor,
Capitol.

Dear Sir:—

In reply to your request for advice as to whether a privilege tax shall be required upon the filing for record of a conveyance providing for the security of the purchase money due on the property conveyed, I beg to advise you that under section 14 of an Act "To better provide for the revenues of the State of Alabama," Acts 1911, pp. 159, 173, it is provided that:—

"The privilege taxes required by law to be paid on mortgages, deeds of trust and similar instruments shall not be required on or for the filing of any such instrument providing additional or substituted security for any indebtedness secured by an instrument previously filed upon the filing of which the taxes provided by law have been paid or which was filed at a time when no such privilege taxes were required by law, provided the secured indebtedness remains unchanged in amount and in time of maturity."

If the indebtedness secured by the instrument offered to be filed remains unchanged in amount and time of maturity, no privilege tax should be exacted. If either has been changed, the tax should be paid.

Yours very truly,
WM. L. MARTIN,
Assistant Attorney General.

**SUPPLIES FURNISHED CONVICT OFFICIALS—PAYMENT
FOR.—CONVICTS WORKED BY PRISON OFFICIALS
—PAYMENT FOR.**

March 19, 1913.

Hon. H. Y. Brooke,
Examiner of Public Accounts,
Capitol.

Dear Sir:—

In reply to your favor of the 17th inst. asking if the value of provisions obtained by a warden from a State commissary should be charged against him, I beg to advise you that under Rule 133 of Regulations for the Government of Convicts of Alabama, adopted and approved August 20, 1912, such provisions may be supplied, but the warden obtaining them is required to pay the invoice and ten per cent. added thereto.

Under section 6528 of the Code, the hiring of less than twenty State or county convicts to any one person is prohibited. There is, therefore, no authority to furnish from among convicts, cooks and other servants for the officials and employees of the convict department. If, however, such servants are furnished, their services should be paid for at a reasonable rate of compensation.

There is no provision permitting the State to furnish a horse for the personal use of an inspector.

Yours very truly,

WM. L. MARTIN,
Assistant Attorney General.

CONVICT OFFICIALS—WHAT MAY BE FURNISHED.

March 19, 1913.

Hon. J. T. Gorman,
Examiner of Public Accounts,
Capitol.

Dear Sir:—

In reply to your favor of the 15th inst., asking certain questions with reference to matters arising in your examination of the convict department, I beg to advise you as follows:

1. The State is authorized to furnish a convict inspector provisions, but he must pay therefor the invoice price and ten per cent. added thereto.—Rule 133 of Regulations for the Government of Convicts of Alabama, adopted and approved August 20, 1912.

2. A convict inspector employing a convict as cook is liable to the State for hire.

3. There is no authority under which the State can purchase a horse for the use of the convict inspector.

4. The State is authorized to furnish provisions, according to Rule 133, to a warden. However, a warden living on the State's premises is permitted to use vegetables, etc., free of charge.—Rule 127.

5. There is no provision for paying the expenses of a warden in attending a convention in another State.

6. There is no provision for hiring female convicts as cooks for officials of the convict department. If they are so hired, however, the official is responsible to the State for a reasonable value of their services.

Yours very truly,

WM. L. MARTIN,
Assistant Attorney General.

COUNTY MAY ASSIST SUFFERERS FROM FLOODS AND STORMS

March 20, 1913.

Hon. J. T. Gorman,
Examiner of Public Accounts,
Capitol.

Dear Sir:—

In reply to your letter of this date asking the advice of this department with reference to the appropriation by the court of county commissioners of funds for the benefit of destitute persons whose homes and property have been destroyed by storms and high water, I beg to advise you that under section 3313 of the Code, sub-division 5, the court is authorized to make such rules and regulations for the support of the poor in the county as are not inconsistent with any law of the State."

While the court of county commissioners may purchase and hold lands and other property for the erection of a poor-house (Code, section 1598), and make appropriations for the maintenance of poorhouses, their authority is not limited to the inmates thereof but extends throughout the entire county so as to include all the poor and destitute who, without public aid, may become a public burden.

As the giving of assistance to those who by reason of age, infirmity or disability are likely to become public charges, is by practice and common consent a public purpose, I am of the opinion that the court of county commissioners, upon first ascertaining the existence of such a situation, has authority, under sub-division 5 of section 3313 of the Code, to order the treasurer to draw his warrant for the benefit of those who may need assistance through loss arising from disaster due to floods and storms, and that such a charge is a proper one against the county.

Henry v. Cohen, 66 Ala. 382;

Joiner v. Winston, 68 Ala. 129;

Grayson v. Latham, 84 Ala. 546.

Yours very truly,

WM. L. MARTIN,

Assistant Attorney General.

FRANCHISE TAX OF DOMESTIC CORPORATIONS.

March 20, 1913.

Hon. C. B. Smith,
State Auditor,
Capitol.

Dear Sir:—

In reply to your favor of the 17th inst. asking the advice of this department relative to the franchise or privilege tax to be exacted of a domestic corporation where it has increased its authorized capital stock without issuing such increase so provided for, I beg to advise you that under the provisions of sub-division 6 of section 2361 of the Code and of section 12 of an Act "To better provide for the revenues of the State of Alabama," Acts 1911, pp. 159, 170, a domestic corporation

is required to pay such tax only on its paid up capital stock. An authorized increase, therefore, without the issuance of the stock does not change the amount of the paid up capital and the State cannot demand a franchise tax on such authorized increase.

I am returning to you the papers in this matter with the advice that the franchise tax to be exacted should be calculated on the amount of the paid up capital stock.

Yours very truly,

WM. L. MARTIN,
Assistant Attorney General.

PLUMBERS—WHO LIABLE FOR TAX.

March 25, 1913.

Hon. J. T. Gorman,
Examiner of Public Accounts,
Capitol.

Dear Sir:—

In reply to your request of the 20th inst. for advice on the question whether or not a journeyman plumber is subject to the license exacted by sub-division 75, section 2361 of the Code, I beg to advise you that in my opinion this sub-division applies to persons, firms or corporations in the regular business of plumbing or gas fitting and not to a laborer who works merely by the job and for wages. Under section 33½ of the Act "To better provide for the revenues of the State of Alabama," Acts 1911, pp. 159, 181, the Legislature fixes a tax of five dollars on persons engaging in certain professions, viz.: Law, medicine, osteopathy, dentistry, etc. The disparity between this tax and the twenty dollar tax exacted of persons engaged in plumbing is so great that the Legislature, in my opinion, could not have intended to levy a tax on the laborer who does not conduct a regularly established business.

Yours very truly,

WM. L. MARTIN,
Assistant Attorney General.

COURT STENOGRAPHER—PAYMENT OF.

March 27, 1913.

Hon. Chas. E. McCall,
Chief Examiner of Public Accounts,
Capitol.

Dear Sir:—

I beg to advise you that the claim of a court stenographer for compensation under the provisions of an Act approved August 29, 1909, Acts 1909, p. 263, is a preferred claim against the county and should be paid "as jurors' certificates are now paid," under the provisions of section 153 of the Code.—Acts 1911, p. 23.

Yours truly,

ROBERT C. BRICKELL,
Attorney General.

BONDS OF CONVICT OFFICERS.

March 27, 1913.

Hon. M. D. Wellborn, President,
Board of Convict Inspectors,
Capitol.

Dear Sir:—

Your letter requesting me to advise you whether or not, in the event the board of convict inspectors desired to require wardens and deputy wardens appointed by them to make bonds with some authorized security company, your board would have the right to pay premiums upon such bonds out of the funds of the convict department, received.

In reply, I beg to advise you that you would clearly have the right under section 6492 of the Code to adopt, with the approval of the Governor, a rule requiring the executions of such bonds by any employee of the department and a payment of premiums upon such bonds would be a proper expense to charge against the funds of the department under the provisions of section 6510 of the Code.

Yours truly,

ROBERT C. BRICKELL,
Attorney General.

SOLDIERS' HOME—USE OF APPROPRIATION FOR.

April 1, 1913.

Hon. Emmet O'Neal,
Governor,
Capitol.

Dear Sir:—

Your letter, enclosing letter from the Executive Committee of the Board of Control of the Confederate Soldiers' Home, and requesting me to advise you thereon, received.

From the letter of the committee it would appear that from the fund appropriated for said home under the provisions of section 2047 of the Code, they have, by their management, saved the sum of \$1,600.00 out of the monies so appropriated and drawn by them from the State Treasury, and they desire to be advised whether they can use such surplus of \$1,600.00 for the purpose of making repairs of the water system, repairs upon the cottages and other buildings used as a part of and in connection with said Soldiers' Home.

The appropriation made by section 2047 is, so far as pertinent, "For the maintenance of the inmates and for the payment of cooks and other necessary labor." While the word *maintenance* as there used might be narrowly construed so as to include only things actually necessary for their sustenance, I am of the opinion that the word *maintenance* should be given a broad construction and that the keeping of the water system and the buildings in proper repair is essentially a part of the maintenance.

I am, therefore, of the opinion and so advise you that such sum can be used for the purposes indicated in the letter of the executive committee.

Yours truly,
ROBERT C. BRICKELL,
Attorney General.

FERTILIZER LAW—VIOLATION OF.

April 3, 1913.

Hon. R. F. Kolb,
Commissioner of Agriculture and Industries,
Capitol.

Dear Sir:—

In reply to your favor of the 28th ult. stating that a manufacturer of fertilizer in Columbus, Georgia, fails to comply with the provisions of section 24 of the Code requiring certain statements to be filed in your office, and of section 32 requiring tags to be attached to fertilizers before being sold, and asking the advice of this department with reference to the course to be pursued by you, I beg to advise you as follows:

Section 34 of the Code makes it unlawful for manufacturers to sell fertilizers that have not been registered under the provisions of section 24, the penalty for which offense is fixed by section 6880 of the Code at not exceeding five hundred dollars. Section 6881 fixes at not less than fifty dollars the fine for failing to attach the proper tags as provided by law. A prosecution under these sections may be begun by affidavit charging the agent of the company with specific violation (Code, section 34), and each sale constitutes a different offense.

There is no provision of law for proceeding by process of libel to condemn any fertilizer that is not properly tagged or registered.

Yours very truly,
WM. L. MARTIN,
Assistant Attorney General.

CONVICT AFFAIRS.

April 10, 1913.

Hon. Chas. E. McCall,
Chief Examiner of Public Accounts,
Capitol.

Dear Sir:—

In reply to your favor of the 8th inst. asking certain questions with reference to the conduct of the department of convicts, I beg to advise you as follows:

1. While there is no express prohibition against hiring a convict except by written contract, section 6527 of the Code and section 6 of an Act "To provide for the hiring, management, control, and inspection of county convicts," Acts 1907, Special Session, page 179, require the execution of written contracts for the hire of all convicts.

2. Under section 6528 of the Code, less than twenty convicts cannot be hired to one person or corporation.

3. Under section 6529 of the Code a convict cannot be hired to a warden or to any other person as a cook or for any other purpose. While the board of inspectors under the provisions of section 6492, by rule 134 of the Rules and Regulations of the Government of Convicts, attempted to authorize the hire of convicts as waiters, such was in contravention of the statute and ineffective.

There is no authority for the hire of less than twenty convicts under any condition; less than this number may be worked in different places where the entire number is hired in the county where convicted.—Code section 6538.

Upon the recommendation of the board of inspectors, with reasons, by and with the approval of the Governor, a convict may be worked in a different place from that expressed in the contract.

4. Under section 6549 of the Code, all officers, wardens, etc., are prohibited from having any interest in the work or profit of the labor of the convict, and I am of the opinion that any person named in this section who lends money to a convict and repays himself from the earnings, or discounts for cash the convict's extra earnings, violates the spirit of the statute. Such conduct does not improve the efficiency of the public service and should not be permitted.

5. No officer or employee of the department can render the State proper service if at the same time he is employed by a firm or corporation hiring convicts, and section 6550 is intended to, and does, prohibit such employment. The allegiance of such an officer, even if he is only a deputy warden should be to the State alone, and his employment by the only person or corporation whose interest could be adverse to that of the State is calculated to render difficult the highest class of service and cannot help but lead to inefficiency and bad practice.

6. Under section 6612 of the Code any person named therein who violates the provisions of section 6528, 6529, 6549, 6550, is subject to criminal prosecution.

Yours very truly,

WM. L. MARTIN,
Assistant Attorney General.

FRANCHISE TAX ON INCREASE OF CAPITAL STOCK.

Hon. C. B. Smith,
State Auditor,
Capitol.

April 19, 1913.

Dear Sir:—

Your letter enclosing letter of Hon. J. V. Allen, Tax Commissioner of Jefferson County, asking for further advice with reference to the franchise tax of a corporation, where such corporation is organized during one year with a small capital stock, which is thereafter increased during the same year, and which corporation pays no franchise tax upon the stock for that year, received.

In reply I beg to advise you that the corporation should pay during the year it is organized a franchise tax upon the amount of its capital stock at the time of organization, and thereafter should pay its franchise tax upon the amount of its capital stock at the time the tax becomes due, to-wit: January 1st of every year.

Yours truly,

ROBERT C. BRICKELL,
Attorney General.

INSANE PERSONS—EXPENSE OF TRANSFER TO ASYLUM.

Hon. Chas. E. McCall,
Chief Examiner of Public Accounts,
Capitol.

April 23, 1913.

Dear Sir:—

If an insane patient is unable to pay his expenses to the hospital at Tuscaloosa, it is the duty of the court of county

commissioners to order such payment out of the county treasury, and this statute governs where the patient has escaped and been captured and his return to the hospital is desired. Code, section 860.

Yours very truly,
WM. L. MARTIN,
Assistant Attorney General.

FEES OF SHERIFF AS TAX COMMISSIONER.

Hon. C. B. Smith,
State Auditor,
Capitol.

April 25, 1913.

Dear Sir:—

Your letter enclosing letter from Hon. H. D. Lampley requesting me to advise you thereon, received.

Judge Lampley desires to be advised as to the compensation to which a sheriff is entitled in the county where there is no tax commissioner, under the provisions of the Act approved February 28, 1911, entitled "An Act to better enforce the collection of license tax in this State, and requiring the several sheriffs and probate judges in counties where there are no county tax commissioners to perform certain duties in relation to the collection of said tax"; Acts 1911, page 33; and specifically as to whether or not, where a person is cited by the sheriff and takes out more than one license for the same business, the sheriff is entitled to the fee of \$3.00 provided by section 3 of the Act above referred to upon every license or upon only one license.

In reply I beg to advise you that the sheriff is entitled to the fee of \$3.00 upon each license issued as the result of his citation, but if the sheriff only serves one citation and it appears that the party is due more than one license, the sheriff would be entitled to his fee only upon the license which was issued as the result of his citation, and not upon the other licenses for the issuance of which he had caused no citation to be served.

Yours truly,
ROBERT C. BRICKELL,
Attorney General.

PAWNBROKERS AUCTION SALE—TAXATION OF.

April 26, 1913.

Hon. C. B. Smith,
State Auditor,
Capitol.

Dear Sir:—

Your letter enclosing communication from Hon. J. V. Allen, Tax Commissioner of Jefferson County, in reference to the liability of pawn brokers who conduct auction sales, for an auctioneers' tax, received.

From Mr. Allen's letter it would appear that pawn brokers claim that they are not liable for this tax because they are required by section 5293 of the Code to dispose of all their pledges at public outcry.

While it is true that they are required to dispose of them at public outcry, this section does not relieve them of the liability for a tax as auctioneers, for the reason that they may be disposed of through the agency of regularly licensed auctioneers, and the public policy declared in the statute is to prevent the disposition of such pledge in any other than the most public manner. If the pawn broker himself should conduct the sale at public outcry he would not be acting in his capacity as a pawn broker, but would be acting as an auctioneer, and in my opinion would be liable for the license as such.

Yours truly,

ROBERT C. BRICKELL,
Attorney General.

MORTGAGE FEES—MUST BE SHOWN BY FEE BOOK.

April 28, 1913.

Hon. Frank V. Evans,
Examiner of Public Accounts,
Capitol.

Dear Sir:—

Your letter requesting me to advise you whether the probate judges are required to keep an itemized statement of the privi-

lege taxes collected by them on mortgages filed for record, received.

In reply I beg to advise you that under section 3706 of the Code "The probate judges must keep constantly in their offices, free to public inspection, a book in which must be entered all fees received by virtue of their office stating for what and from whom received." Mr. Bouvier, in his law dictionary defines the word *fee* as follows: "A reward, or wages given to one for the execution of his office or professional services, as those of a counsellor or physician." He further defines it as follows: "Fees differ in costs, in that the former as above mentioned are a recompense to the officer for his services, and the latter an indemnification to the party for money laid out and expended in his suit." Also, "Fees are synonymous with charges." Applying the definition of the word *fee* as above quoted to the language of the statute above quoted, I am of the opinion, and so advise you that the probate judges are required to keep a book in which must appear an itemized statement of the amount received by him for the collection of mortgage taxes, which must show for what the money was received, and from whom it was received.

Yours truly,

ROBERT C. BRICKELL,
Attorney General.

CONVICT OFFICIALS—BONDS FOR.

April 28, 1913.

Hon. Hartwell Douglass, President,
Board of Inspectors of Convicts,
Capitol.

Dear Sir:—

Your letter of the 26th inst. requesting me to advise you as to whether there is any provision of law whereby you and the associate members of the board of convict inspectors could give bond for the faithful performance of your duties, and also as to whether you could require bonds from the clerks and wardens, and other employees of the convict department, and if so from what source the premium of such bond could be paid, received.

The president of the board of convict inspectors, and the associate inspectors, being State officers, and the Legislature having seen fit not to require bond of these, there is no authority by which the State can require any such bond, or by which such bond after given could be rendered of any value to the State.

The clerks and wardens, however, stand upon an entirely different plane. By section 6492 of the Code the board of inspectors is required to establish rules and regulations for the direction of their sub-ordinates, and you have authority to adopt a rule requiring such bonds, and to properly pay for such bonds at the expense of the convict department, under section 6510 of the Code.

Yours truly,

ROBERT C. BRICKELL,
Attorney General.

**PAUPERS—CLAIMS AGAINST FINE AND FORFEITURE
FUND RECEIVABLE IN PAYMENT OF FINES.**

April 28, 1913.

Hon. Chas. E. McCall,
Chief Examiner of Public Accounts,
Capitol.

Dear Sir:—

Your letter enclosing letter from J. D. Bethune, Treasurer of DeKalb County, and requesting me to advise you thereon, received.

The first proposition which Mr. Bethune desires to be advised upon is whether a warrant to pay one person for money furnished to pay the doctor's bill of another, claiming to be an indigent, is a proper claim against the county treasury. Mr. Bethune further states in his letter that the person whom the doctor attended was not at the pauper's home, but was living with a person to whom the warrant was made payable, and was working for him.

Under these circumstances I am of the opinion, and so advise you, that this is not a proper claim against the county.

He also desired to be advised whether the county treasurer can receive claims in payment of fines immediately after registration, or must he only accept the oldest registered claims. In reply I beg to advise you that under section 6666 of the Code there is no priority between claims which are receivable in payment of fines and forfeitures.

Yours truly,

ROBERT C. BRICKELL,
Attorney General.

PROPERTY OF BANKRUPT—TAXATION OF.

April 28, 1913.

Hon. C. B. Smith,
State Auditor,
Capitol.

Dear Sir:—

Your letter enclosing letter from the Tax Collector of Calhoun County and requesting me to advise you thereon, received.

From the letter of the tax collector it appears that certain parties who own property in Calhoun County have filed a petition in bankruptcy and have not paid the taxes on this property, and he desires to be advised whether he should proceed to enforce the sale of this property.

In reply I beg to advise you that the Bankrupt Act makes proper provision for the collection of these taxes, and the proper course for the tax collector to pursue would be to file a petition in the bankrupt court asking that the trustee in bankruptcy be required to pay such taxes.

Yours truly,

ROBERT C. BRICKELL,
Attorney General.

**ROADS, HENRY COUNTY—OFFICERS SCRIPT—NOT
RECEIVABLE IN PAYMENT OF FINES.**

Hon. H. Y. Brooke,
Examiner of Public Accounts,
Capitol.

April 28, 1913.

Dear Sir:—

Your letter enclosing letter of Judge S. B. Wood, Judge of Probate of Henry County, and requesting me to advise you thereon, received.

Judge Wood desires to be advised as to whether the act establishing the local road law for Henry county, Local Acts. 1907, page 824, repeals sections 3720 and 3722 of the Code in reference to the compensation to be allowed probate judges and the sheriff, in so far as the probate judge and sheriff of Henry county are concerned.

In reply I beg to advise you that, in my opinion, it does not repeal such sections, and if these officers have done any work in connection with the roads for which the court of county commissioners think they should be paid, as provided in the Code, then the court of county commissioners has authority to make such payment.

Judge Wood also desires to be advised whether fines are payable by claim of sheriff and clerk against the fine and forfeiture fund.

In reply I beg to advise you that under section 6666 of the Code such claims are not receivable in payment of fines and forfeitures.

Yours truly,

ROBERT C. BRICKELL,
Attorney General.

SHERIFF'S FEES—WHEN TAXED AGAINST PROSECUTOR.

Hon. J. T. Gorman,
Examiner of Public Accounts,
Mobile, Alabama.

April 29, 1913.

Dear Sir:—

I beg to acknowledge receipt of yours of the 28th inst., requesting to be advised upon the validity of two items in the

cost bill in the case of the State of Alabama v. Thomas Agnew.

Your letter presents the question as to whether or not when costs are charged against the prosecutor under section 7302 of the Code, such prosecutor shall be liable for sheriff's fee for guarding the prisoner, and for a solicitor's fee under the local act of 1911, page 18.

Replying to both these questions I beg to advise you that I am of the opinion that the two items cannot be taxed as costs against the prosecutor because of the fact that in each case the law provides that these items of cost shall be taxed only in cases of convictions, whereas, a prosecutor is only liable for costs when the State fails to convict, and I am, therefore, of the opinion, and so advise you, that neither of these items can be properly taxed against the prosecutor under section 7302 of the Code.

Yours truly,

ROBERT C. BRICKELL,
Attorney General.

INSURANCE PREMIUM TAX—DEDUCTIONS FROM.

May 3, 1913.

Hon. Cyrus B. Brown,
Insurance Commissioner,
Capitol.

Dear Sir:—

I beg to acknowledge receipt of your letter of the 28th ult., in which you request to be advised as to the effect of section 4, of the revenue act of 1911 upon section 2089 of the Code in regard to credits allowed insurance companies for reinsurance.

Your letter presents the question as to whether or not, under the act of the legislature of 1911 above referred to, an insurance company is entitled to deduct from the tax due the State on its gross premiums received, the cost of re-insurance in companies authorized to do business in the State of Alabama. The wording of this act in this respect is as follows:

“And no credit or deduction of any kind shall be allowed or made on account of the cost of re-insurance

taken by such company in a company not authorized to do business in this State."

The wording of section 2089 of the Code, so far as is applicable to this question, is as follows:

"And on credit or deduction of any kind shall be allowed or made on account of the cost of re-insurance taken by such company except in companies that are authorized to do business in this State."

It will be clearly seen that under the law as it stood in the Code, an insurance company was, under the express words of the statute entitled to credit on this tax for the cost of re-insurance in companies authorized to do business in this State. The act of 1911 in its terms only prohibits the credit or deduction in companies in cases where the re-insurance is placed with companies not authorized to do business in this State. The act of 1911 repeals section 2089 of the Code only where it is in conflict with this section, and there is no conflict with that part of the section which authorizes the deduction for re-insurance with companies authorized to do business in this State.

In construing this section of the revenue bill, it is well to consider and if possible to determine the intent of the legislature in passing this act. The effect of a refusal to allow a deduction for the cost of re-insurance with companies authorized to do business in this State would be to place double taxation upon the premiums paid in such cases, in that the tax would be against the gross premiums originally paid by the insured and against that part of the premiums paid by the insurance company for re-insurance, for a company authorized to do business in this State would be chargeable with a tax on all of its gross premiums.

I am, therefore, of the opinion, and so advise you, that section 4 of the revenue bill of 1911 does not repeal that provision of section 2089 of the Code which authorizes a credit or deduction for re-insurance when placed with companies authorized to do business in this State.

Yours truly,

ROBERT C. BRICKELL,
Attorney General.

COMMITMENTS FROM INFERIOR COURT OF MONTGOMERY

May 7, 1913.

Hon. Frank V. Evans,
Examiner of Public Accounts,
Capitol.

Dear Sir:—

Replying to your letter of the 6th inst., in reference to the clerk of the inferior court of Montgomery, I beg to advise you:

1st. A mittimus or commitment signed by the clerk of the inferior court is not a legal instrument. Section 7 of the act creating the court expressly so provides.

2nd. If the judge of the court grants the clerk authority to sign his (the judge's) name to a commitment, and such commitment is signed by the clerk in the name of the judge, any officer acting upon it would be in the rightful performance of his duty, and the sheriff receiving a prisoner under such commitment would be entitled to his fees for feeding such prisoner so received by him under such commitment.

Yours truly,

ROBERT C. BRICKELL,
Attorney General.

MOTOR VEHICLE LAW—EXPENSES OF ENFORCEMENT.

May 19, 1913.

Hon. Cyrus B. Brown,
Secretary of State,
Capitol.

Dear Sir:—

Your letter requesting me to advise you whether under the provisions of the act known as the motor vehicle law, you would be authorized to use any of the 15% expense fund provided by section 15 of the act, to employ some one in the different counties of the State to aid you in the collection of the fees imposed, received.

The provision of Section 15 of said act is as follows:

"The expense of the operation and maintenance of everything required to be furnished and performed by the secretary of the State, shall not exceed 15% of the annual revenue derived under the provisions of this act, out of which 15% of said revenue, the said secretary of State is authorized to employ such clerical assistance as may be by him deemed advisable for the proper performance of the duties imposed upon him by this act. In his discretion he may employ not more than two assistants to carry out the provisions of this act, and the expense of such assistance shall not exceed \$3,500.00 per annum."

You will notice that this section of the act uses the language "expense of operation and maintenance of everything required to be furnished and performed." By other sections of the act it is made your duty to see to the collection of the license imposed by the act, and the employment of some one to aid in the collection of same, would, in my opinion, be authorized under the provision of section 15 of the act, provided you do not permit such employment to cause you to expend in excess of the 15% referred to in section 15 above quoted.

Yours truly,

ROBERT C. BRICKELL,
Attorney General.

BOND FOR APPEAL BY STATE—NOT REQUIRED.

May 20, 1913.

Hon. J. Lee Long, Chairman,
State Tax Commission,
Capitol.

Dear Sir:—

Your letter enclosing cost bill in the case of the State v. Birmingham Southern Railway Company, together with letter of Jesse F. Stallings and other papers connected therewith, received.

From these papers it appears that the State of Alabama appealed this case from the city court of Birmingham to the Supreme Court of Alabama; and that a bond on appeal was given, signed by Jesse F. Stallings and J. L. Drennen.

There is no provision of law whatsoever for the giving of such bond. In fact, the statutes expressly exempt the State from giving any bond in such cases, and even though no statute of that character was in existence, it could never be held that the State would be required to give a bond on an appeal to its own courts thus requiring the creator to give bond for the use of an instrument created by it.

I am, therefore, of the opinion, and so advise you, that there is no fund out of which such a payment could be made, and the payment of such claim would be illegal.

I return you herewith the papers sent me.

Yours very truly,

ROBERT C. BRICKELL,
Attorney General.

FEES OF SHERIFF FOR FEEDING PRISONERS.

May 20, 1913.

Hon. Frank V. Evans,
Examiner of Public Accounts,
Capitol.

Dear Sir:—

Your letter requesting me to advise you whether the sheriff of Montgomery county is entitled to pay for the feeding of a prisoner who is held by him under a capias issued from the city court of Montgomery, although such prisoner may have been originally confined under a mittimus illegally issued, received.

In reply I beg to advise you that the sheriff would be entitled to pay for feeding such prisoner after the receipt by him of the capias issued from the city court, but would not be entitled to pay for feeding him during the time intervening between the imprisonment under the illegal mittimus, and the time when the capias was issued.

Yours truly,

ROBERT C. BRICKELL,
Attorney General.

**DESTRUCTION OF PROPERTY BY SHERIFF, COUNTY NO
AUTHORITY TO PAY THEREFOR.**

May 20, 1913.

Hon. W. F. Wilkinson,
Examiner of Public Accounts,
Capitol.

Dear Sir:—

Your letter requesting me to advise you as to the authority of the court of county commissioners or board of revenue to pay for the destruction of a house by fire, when such destruction was ordered by the sheriff in an attempt to dislodge from the house one charged with a felony, the sheriff at the time having in his possession a warrant for the arrest of the person taking refuge in such house, received.

In reply I beg to advise you that, in my opinion, there is no authority for such payment out of the funds of the county.

Yours very truly,

ROBERT C. BRICKELL,
Attorney General.

**ALABAMA HOME OF REFUGE—APPROPRIATION FOR
BY COUNTIES.**

May 23, 1913.

Hon. Chas. E. McCall,
Chief Examiner of Public Accounts,
Capitol.

Dear Sir:—

Your letter enclosing letter of Mrs. Othelia L. Amigh, Superintendent of the Alabama Home of Refuge, and requesting me to advise you thereon, received.

From the letter of Mrs. Amigh it would appear that she desires to be advised whether courts of county commissioners or boards of revenue in the various counties in Alabama are authorized to render assistance in carrying on the work of this institution.

In reply I beg to advise you that as this is a public institution of the State of Alabama, owned and controlled by the

State of Alabama, and in no sense a private institution, and an institution organized and fathered by the State for the purpose of protecting and caring for the young girls of the State regardless of the counties from which they come, when such females are committed to said Home of Refuge in lieu of such imprisonment or hard labor for the county, any appropriation to pay for the cost of maintenance if they see fit and proper so to do, is legally authorized.

Yours truly,

ROBERT C. BRICKELL,
Attorney General.

CONVICT CHAPLAINS—POWER OF BOARD TO REQUIRE.

May 23, 1913.

Hon. Hartwell Douglass, President,
State Convict Board,
Capitol.

Dear Sir:—

Your letter requesting me to advise you as to the salary of assistant chaplains and also as to the authority of the convict department to adopt rule 34 requiring that the contractors shall provide religious services and religious instruction for convicts under their charge, received.

In reply I beg to advise you that under the provision of section 6509 of the Code only the sum of \$500 per annum can be expended by the board for the payment of assistants to the chaplain, and that this means \$500 to all assistants employed, and not \$500 to each assistant.

I also beg to advise you that under your power to make rules and regulations, you have authority to adopt rule 34.

Yours very truly,

ROBERT C. BRICKELL,
Attorney General.

**COUNTY CONVICTS—RECORD OF IN CONVICT
DEPARTMENT.**

May 23, 1913.

Hon. Hartwell Douglass, President,
State Convict Board,
Capitol.

Dear Sir:—

Your letter requesting me to advise you as to whether your department should keep a record of county convicts that work on the public roads in the county of conviction, received.

This matter is controlled by sections 2 and 4 of the act approved November 30, 1907, found as a note in the Code of 1907, on page 422. The provision of section 2 being that county convicts shall be worked under the control of the court of county commissioners or board of revenue of the county when worked or hired in the county where convicted, but otherwise under the superintendent and control of the board of inspectors of convicts. Section 4 provides that a record shall be kept in the office of the board of inspectors of all persons who are sentenced to **hard labor for the county** and who are confined to their supervision.

Construing these two sections together, I am of the opinion, and so advise you, that the county convicts worked or hired in the county where convicted, not being under the supervision of your board, a record of them is not required to be kept in your office.

Yours very truly,
ROBERT C. BRICKELL,
Attorney General.

SALE OF SURFACE RIGHT SIXTEENTH SECTION LANDS.

May 26, 1913.

Hon. Henry J. Willingham,
Superintendent of Education,
Capitol.

Dear Sir:—

Your letter requesting me to advise you whether it would be legal to sell the surface right to sixteenth section or indem-

nity lands, and if a patent could legally issue for surface rights only, received.

In reply I beg to advise you that the statute having given authority to sell lands in conformity with the act of Congress, and there being no restriction in the statute to a sale of the whole, you, as superintendent of education, with the approval of the governor, may sell such lands or such rights in the lands as you see fit after having obtained the consent of the inhabitants of the township as provided by section 1783 of the Code; and if, in the exercise of your discretion, you see fit to only sell surface rights, then a patent may issue to such surface rights only.

Yours very truly,

ROBERT C. BRICKELL,
Attorney General.

TAX LANDS—SALE OF.

May 29, 1913.

Hon. C. B. Smith,
State Auditor,
Capitol.

Dear Sir:—

Your letter requesting me to advise you whether the State auditor and treasurer, with the approval of the governor had the right to fix a price to sell lands of the State which have been bid in at tax sales by the State of Alabama, under the provisions of section 2338 of the Code of 1907, or whether your right to sell such lands was limited by section 2323 of the Code of 1907, received.

I have given this matter careful consideration and after examining the same I find that section 2323 of the Code of 1907 was incorporated in the Code of 1896 as section 4100, and in the Code of 1886 as section 614; that section 2338 of the Code was a part of section 4 of the act approved February 13, 1899, and that the question as to the effect of section 4 of the act upon section 4100 of the Code of 1896 being section 2323 of the present Code, was considered by the Supreme Court in the case of *Brandon v. Williams*, 157 Ala. 386, and it was there

held that section 4 of the act was inconsistent with and repugnant to section 4100 of the Code of 1896, and that therefore it operated as a repeal of section 4100 of the Code of 1896.

We, therefore, have the condition presented in which a section of a former Code is carried into a subsequent Code, and also an act repealing that section of the Code is carried into the new Code, producing a condition which is spoken of in *Ex parte Thomas*, 113 Ala. 1, of which the court says on page 5:

"The Code, approximates very nearly to the definition of the title it bears, and which since the adoption of the Code of 1852 has been the title applied in the digesting and revision of the statutes of the State: 'A body of laws established by the authority of the State, and designed to regulate completely, so far as a statute may, the subjects to which it relates.'—*Hendon v. White*, 52 Ala. 597. If there be contrariety, or repugnancy, or inconsistency, in any of its parts, as may exist in any body or system of laws, or as not infrequently exists in statutes enacted at different periods, the courts are under the duty of interpreting and construing them, rendering them harmonious and consistent if possible, or if that be not possible, declaring which shall prevail."

We are, therefore, forced to consider and determine which should prevail, section 2323 or section 2338 of the Code of 1907.

The rule for determining this question is stated in 36 Cyc. page 1167, as follows: The different sections should be regarded as, not prior and subsequent acts, but as simultaneous expressions of the legislative will; but where every means of reconciling inconsistencies have been employed in vain, the section last adopted will prevail." Also in *Ex parte Ray*, 45 Ala. 19:

"All the several sections, on the same subjects, should be construed together. By being embraced in the Code, they are formed into a system on the subject to which they refer, and by the adoption of the Code the legislature has as it were, laid its hands on them and given them new

life and vitality, as a body. For this reason, if for no other, they should be interpreted and construed together, and, if possible, made consistent and in harmony with each other. If, however, this, in any particular case, cannot be done, then the earlier sections, or sections taken from earlier acts, must be held to be repealed, or so modified as to be in agreement with the later sections."

Applying all these principles to sections 2323 and 2338 of the Code of 1907, I am of the opinion, and so advise you, that the right and authority which should be exercised by you, the State treasurer and the governor, in the sale of lands which have been bid in the tax sales by the State of Alabama, is that fixed in you by section 2338 of the Code and that section 2323 of the Code is of no effect.

Yours very truly,
ROBERT C. BRICKELL,
Attorney General.

COTTON WAREHOUSE—TAXATION OF.

June 2, 1913.

State Tax Commission,
Capitol.

Gentlemen:—

In reply to your favor of this date asking the advice of this department relative to the liability of warehousemen under the provisions of subdivision 92, section 2361 of the Code, I beg to advise you that this subdivision exacts a scheduled license tax of each person, firm, or corporation operating a warehouse or elevator for the storage or handling of cotton." If cotton is stored in a warehouse or handled therein, the tax is due. The fact that the only charge made is for weighing in the cotton does not afford relief. The result would be the same if no such charges were made, or if the warehouse were operated free of charge.

Yours very truly,
WM. L. MARTIN,
Assistant Attorney General.

DELINQUENT FRANCHISE TAXES—INTEREST ON.

Hon. C. B. Smith,
State Auditor,
Capitol.

June 7, 1913.

Dear Sir:—

Your letter asking my opinion as to the power of the probate judges to collect interest upon delinquent franchise taxes due corporations under section 12 of the revenue acts of 1911, received.

Under the laws any license or tax past due is a debt to the State and county, and like any other debt it bears interest from the time it became delinquent until it is paid, therefore, any money due the state and county as franchise tax which is delinquent bears interest from the time it became delinquent until the time of its payment to the probate judge, and the probate judges are not only authorized, but it is their duty as well, to collect interest at the legal rate upon such delinquent taxes.

Yours very truly,

ROBERT C. BRICKELL,
Attorney General.

STATE BOARD OF HEALTH—USE OF FUNDS TO EMPLOY MICROSCOPISTS FOR HOOKWORM CAMPAIGN.

Hon. W. H. Sanders,
State Health Officer,
Capitol.

June 13, 1913.

Dear Sir:—

Your letter requesting me to advise you as to whether the State board of health would be authorized to pay the expenses of microscopists engaged in a hookworm campaign in this State, received.

In reply I beg to advise you that under the act approved April 22, 1911, amending section 733 of the Code, the State Board of Health would be authorized to expend such portions of its funds as it saw proper for that purpose.

Yours very truly,

ROBERT C. BRICKELL,
Attorney General.

**JUDGE OF PROBATE NOT ENTITLED TO COMMISSIONS ON
FINES PAID INTO THE COUNTY TREASURY.**

June 14, 1913.

Hon. J. T. Gorman,
Examiner of Public Accounts,
Linden, Ala.

Dear Sir:—

Your letter requesting me to advise you whether or not the probate judge of that county is entitled to a commission of 5% on fines paid into the county treasury, and also whether fees collected under section 6655 of the Code should be paid into the general fund or into the fine and forfeiture fund of the county, received.

Section 6655 of the Code provides: "The judge of the county court shall receive no other compensation than the following fees." There is no provision under this section for him to receive any commission on fines paid into the county treasury nor am I able to find any other provision of law which would entitle him to such commission.

The fees provided by section 6655 of the Code are in no sense fines or forfeitures, and should, therefore, be paid into the general fund of the county.

Yours very truly,
ROBERT C. BRICKELL,
Attorney General.

**AUTHORITY OF COUNTY TO PAY FOR GUARDS WHILE
NEW JAIL IS BEING BUILT.**

June 19, 1913.

Hon. Charles L. Townes,
Examiner of Public Accounts,
Centerville, Alabama.

Dear Sir:—

Your letter requesting me to advise you whether, while the new jail was being built in that county, and the prisoners were put in a temporary jail which was unsafe, the county would be authorized under section 7203 to pay for guards used at such temporary jail, received.

In reply I beg to advise you that such claim might properly be paid by the county under the provisions of the section above named.

Yours very truly,
ROBERT C. BRICKELL,
Attorney General.

**COUNTY TREASURER—NO AUTHORITY TO REPAY MONEY
COLLECTED UNDER UNCONSTITUTIONAL LAW.**

June 20, 1913.

Hon. Chas. E. McCall,
Chief Examiner of Public Accounts,
Capitol.

Dear Sir:—

Your letter, enclosing letter of the treasurer of Cleburne county, and requesting me to advise you thereon, received.

From his letter it would appear that a road tax was levied by the commissioners' court of Cleburne county for the year 1913, and that he had received certain sums which were collected upon said tax, but that said tax has not been levied for the year 1913, because said tax was held by the commissioners' court as being unconstitutional, and he desires to be advised whether he should pay this money out upon warrants properly drawn, or to pay this money upon the demand of the parties paying the tax.

In reply I beg to advise you that the treasurer has no authority to pay this money back to the parties demanding it, but it having reached his hands as county funds, he is only authorized to pay it out upon warrants properly and legally drawn against the road funds of that county.

Yours very truly,
ROBERT C. BRICKELL,
Attorney General.

REFORM SCHOOL FOR JUVENILE NEGRO LAW-BREAKERS.

June 24, 1913.

Hon. Chas. E. McCall,
Chief Examiner of Public Accounts,
Capitol.

Dear Sir:—

Your letter requesting me to advise you as to certain questions in connection with "The Alabama Reform School for Juvenile Negro Law-Breakers," received.

Your first question deals with the right of the institution to hold and draw pay from the State for the inmates of the institution at the time it was taken over by the State under the act approved April 24, 1911.

It is evident from a consideration of the entire act and especially section 4 thereof that it was the legislative intention that the State should take over and take charge of the institution then established and known as "Reformatory for Negro Boys." And it was their intention by the act to legalize the retention of those already in the reformatory, as well as to provide for others to be received thereafter.

I am, therefore, of the opinion, and so advise you, that those who were inmates of the reformatory at the time of the approval of the act above mentioned, are properly now inmates of the reformatory and that the school is properly drawing the allowance for their support under the provisions of section 8 of the act above referred to.

You next inquire as to whether certain courts are courts of record. In reply I beg to advise you that the county courts about which you inquire are courts of record, and the recorder's courts about which you inquire are not courts of record, but as your inquiry is probably framed with a view of determining whether those committed to this institution can be properly received upon commitments issued by such courts, I beg to advise you that such recorder's courts have authority to commit to this institution under section 6451 of the Code.

Your next question has probably been answered by what was said above in reference to recorder's courts, but in order to make the matter clear and explicit, I beg to advise you that the school has no right to receive or collect from the state an allowance for the maintenance of any boy who is not com-

mitted to it by a court of record, or by a court having jurisdiction under the provisions of section 6451 of the Code.

Your next question is whether a negro boy committed to this school for a term of six months by the inferior court of Mobile can be received by this school, and if so could any amount be drawn from the State treasury for his support for a longer period than the term of his commitment.

In reply I beg to advise you that in section 5 of the act establishing the inferior court of Mobile, Local Acts, 1898-9, page 1164, it is expressly provided that that court is a court of record. I am, therefore, of the opinion, and so advise you that the school has a right to receive, and the State should pay for the maintenance of a boy committed to it during the term for which he was committed, but that the school has no right to hold the boy, and the State should not pay for his maintenance after the expiration of his term of commitment.

Your next question is, "Has a court of record the right under the law, to commit a boy who is convicted of a felony to this school?" In reply I beg to advise you that it has such a right.

The next inquiry as to whether the maintenance and support of boys who are in the institution, but for the detention of whom there appears no commitment, order, or judgment of court, or other legal authority, is a proper charge against the State, must be answered in the negative.

Next you desire to be advised as to whether the authorities of the school can legally receive and collect from the State for the support and maintenance of a boy convicted and sentenced to the penitentiary but paroled to the school by the governor. In reply I beg to advise you that they can receive such boys, and his maintenance is a proper charge against the State under section 8 of the act.

Your last question is, "Is a claim for payment of a bill of groceries for the school a proper charge against the State, independent of section 8 of the act?" In reply I beg to advise you that such a claim is not a proper charge against the State, independent of section 8 of the act.

Yours very truly,

ROBERT C. BRICKELL,
Attorney General.

**SUPERVISOR OF PUBLIC ROADS—QUALIFICATIONS AND
PAYMENT OF. AUTHORITY OF COUNTY TO FUR-
NISH OFFICE OF COUNTY BOARD OF HEALTH.**

June 24, 1913.

Hon. W. F. Wilkinson,
Examiner,
Capitol.

Dear Sir:—

Your letter requesting me to advise you whether under section 5823 of the Code, the Board of Revenue or Commissioners Court of a county has authority to pay a supervisor or superintendent of roads a compensation greater than \$5.00 per day for each day actually employed, received.

In reply I beg to advise you that the provisions of said section of the Code are explicit, and limit the amount which may be paid such road supervisor to \$5.00 per day for each day actually employed.

In reply to your further question as to their right to appoint and employ one who is not a competent civil engineer as such road supervisor, I beg to advise you that the statute is equally clear that the person so employed must be a competent civil engineer, but I am unable to advise you further as to who, under the law, is a competent civil engineer, except that he must be either a graduate in civil engineering, or one who has had practical experience and training as a civil engineer.

You further desire to be advised whether the Board of Revenue has authority to pay rent for an office for the Montgomery Medical & Surgical Society. If such society is the county medical society in affiliation with the Medical Association of the State of Alabama under the provisions of section 700 of the Code, it is the county board of health charged with certain duties for the county under the provisions of section 703 of the Code, and the provisions of other sections embraced in chapter 22 of the Code; and as such I am of the opinion that the county could properly pay for rent of an office for such society, provided there are no proper accommodations that can be furnished for such society at the court house.

Yours truly,

ROBERT C. BRICKELL,
Attorney General.

**COSTS IN CRIMINAL CASES BY CONVICTS WORKED
IN COUNTY.**

June 30, 1913.

Hon. Charles L. Townes,
Examiner,
Centerville, Alabama.

Dear Sir:—

Replying to your letter involving the question of costs in criminal cases where a conviction has been had and where the county convicts are worked by the county upon the public roads within the county, I beg to advise you that I am of the opinion that the officers fees, witness costs, etc., are in such cases proper charges against the general fund of the county.

Yours truly,

ROBERT C. BRICKELL,
Attorney General.

**DUTY OF CONTRACTOR TO CONVICT UPON EXPIRATION
OF SENTENCE.**

July 2, 1913.

Hon. Hartwell Douglass, President,
Board of Inspectors of Convicts,
Capitol.

Dear Sir:—

Your letter requesting me to advise you whether contractors who use or hire convicts where the State maintains shall furnish each convict with railroad fare and 50 cents per day estimated travel from the place where he is discharged to his destination, one suit of clothes, one hat and one pair of shoes, received.

In this connection you call my attention to section 25 of the Act approved November 30, 1907, and found on pages 422-426 of the 3rd volume of the Code of 1907, being attached to article 5 of chapter 191 of the Code.

The language of section 25 of the Act so far as pertinent is:

“It shall be the duty of any person who has in his possession or under his control any State or county con-

vict, to discharge such convict at the expiration of his term of servitude, and to furnish him with transportation to the county seat of the county in which such convict was sentenced to imprisonment. And he shall also furnish to such convict one good suit of clothes and 50 cents a day for each estimated day's travel from the place where he is discharged to his destination, and one hat and one pair of shoes."

The controlling language by which it must be determined upon whom this duty rests, is: "Any person who has in his possession or under his control, any State or county convict," and applying this test to convicts worked by a contract with the State where the State maintains, I am of the opinion that the State is the party who is in possession and has control of such convict, and that the party to whom the labor of the convict is hired could in no sense be construed to be the party having him in his possession or under his control.

If, however, a convict is hired to the contractor, and the contractor controls and works the convict, then clearly the convict is in the possession and under the control of the contractor, and the duty of complying with this provision of section 25 of the Act would fall upon the contractor.

Yours truly,

ROBERT C. BRICKELL,
Attorney General.

**FEES OF CLERKS AND SHERIFFS—WHEN NOT PROPER
CHARGES AGAINST CONVICT FUND.**

July 2, 1913.

Hon. Hartwell Douglass, President,
Board of Inspectors of Convicts,
Capitol.

Dear Sir:—

Your letter requesting me to advise you as to whether the convict department could, under section 6572 of the Code, pay clerks 25 cents for issuing and sheriffs 50 cents for serving subpoenas for State witnesses before the grand jury, received.

In reply I beg to advise you that I have examined this section of the Code, and I am of the opinion that such claims are not proper charges against the convict department.

Yours truly,

ROBERT C. BRICKELL,
Attorney General.

FEEES OF SHERIFF FOR FEEDING PRISONERS.

July 3, 1913.

Hon. Emmet O'Neal,
Governor,
Capitol.

Dear Sir:—

Your letter requesting me to advise you as to whether under section 6638 of the Code as amended by an Act passed at the general session 1911, sheriffs are entitled to receive as fixed sums, irrespective of the cost of the food furnished the amount named as an allowance for feeding prisoners, or whether such sum is the maximum within which the expense of feeding must be contained, the State to be charged with the actual expense, received.

It has been the policy of the State for many years to pay the sheriffs certain sums for the feeding of prisoners, and it has always been the practice of the State so far as I am informed or have been able to learn, that the State pay the sheriff the amount allowed by the statute for feeding prisoners, without regard to whether such amount was actually expended by him or not.

In the various Acts of the Legislature which have been passed upon this subject and the codification of the Acts in the Codes dealing with this question from 1852 down to the present time, no changes have been made in the language in reference to this matter, such as to show any legislative intention to change the construction which has uniformly been placed upon these Acts by the sheriffs and administrative officers of the State.

I am therefore of the opinion that in view of the legislative and administrative construction which has been placed upon

these Acts for so many years, that the courts would not now depart therefrom.

You also inquire: "Would the sheriff be entitled to this allowance and properly comply with his duties under the law should he supply prisoners confined in jail with sufficient food only to keep body and soul together, retaining the difference between the cost of such food and his allowance?" In reply I beg to advise you that the sheriff would not be properly complying with his duties should he supply prisoners confined in jail with sufficient food only to keep body and soul together. The State has provided through the prison inspector and other agencies for securing the proper feeding and treatment of the prisoners confined in jail.

It is a well known fact and has been for years that in many counties of the State the profit from feeding prisoners has been one of the largest sources of remuneration to the sheriff, and if any change in this condition is to be effected, it must be brought about by legislative action.

Yours truly,

ROBERT C. BRICKELL,
Attorney General

**CLAIMS AGAINST FINE AND FORFEITURE FUND—
PAYMENT OF.**

July 9, 1913.

Hon. J. T. Gorman,
Abbeville, Ala.

Dear Sir:—

In reply to your favor of the 8th inst. I beg to advise you that while numerous statutes limit the time within which witness certificates payable out of the fine and forfeiture fund shall be registered, I am unable to find in the Code a general limitation; the result being, therefore, that such a certificate may be registered at any time. It cannot, of course, be paid except in the order of its registration.—Code section 211, subd. 5, sections 6666, 6889.

The claims of sheriffs and clerks against the fine and forfeiture fund must be registered, the county treasurer deriving

only from such registration his authority to pay. There is no limitation to their payment except that they are subordinated to the registered claims of State witnesses, and cannot be paid if the distribution of the fine and forfeiture fund is otherwise provided for.—Code sections 6889, 211, subd. 5. Such a distribution could be otherwise provided for only by local statute.

**COUNTY TREASURER—COMPENSATION OF. TRANSFER
OF SURPLUS GENERAL FUND TO ROAD FUND. RE-
MOVAL OF PRISONERS—PAYMENT FOR. FEES OF
OFFICERS AGAINST DEFAULTING WITNESSES NOT A
CHARGE AGAINST STATE OR COUNTY.**

July 9, 1913.

Hon. J. T. Gorman,
Abbeville, Ala.

Dear Sir:—

In reply to your favors of the 5th and 7th inst., I beg to advise you as follows:

1. Section 217 of the Code provides that the county treasurer shall receive such compensation as may be allowed by the court of county commissioners, "in no case exceeding 2½ per cent. on the money received, and 2½ per cent. on money paid out by him," not exceeding in the aggregate one thousand dollars per annum. The amount of compensation is according to the funds collected and disbursed and is within the sound discretion of the court of county commissioners, subject to limitations. If the court, therefore, has not allowed more than the percentage authorized by law, the payments made to the treasurer, provided they do not exceed more than one thousand dollars in any one year, are not illegal.

Section 5766 of the Code authorizes the court of county commissioners to transfer to the road fund any surplus of general funds in the county treasury whenever in its judgment such transfer will promote the interest of the county; that such surplus so transferred shall be used on the public roads. Section 16 of an Act relative to the public roads of Henry County, (Local Acts 1907, pages 824, 830), provides that if the road and bridge fund authorized by said Act is insufficient for the

repairs of roads and bridges, the commissioners' court shall expend thereon such an amount of the general fund of the county as may be necessary, provided there is an excess of such general fund over and above the purposes for which such fund is kept. It is evident from section 16 of this Act and from section 5766 of the Code that before such transfer can be made there must be a judicial ascertainment by the court of county commissioners of the existence of such a surplus, and that without this ascertainment the county treasurer is without authority to use the general fund for the purposes for which the road fund is provided.

3. Under section 6683 of the Code it is the duty of the State to pay for the removal of prisoners charged with felonies and the county is without authority to pay such removal bill. Nor is the county authorized to pay removal expenses where the prisoner is charged with a misdemeanor and is brought from another State; section 6645 of the Code authorizes only the State to pay such an expense, and then only when the prisoner is brought to this State to answer a charge of a felony.

4. Under the provisions of section 6636 of the Code, fees accruing on a forfeiture against a defaulting witness must be collected under execution against such witness "unless excused therefrom by the court." This provision is again found plainly stated under section 6646 of the Code. There is no reason why the State or the county should pay this expense, it being properly borne by the person in default unless excused in accordance with the statutes.

Yours very truly,

WM. L. MARTIN,

Assistant Attorney General.

REFORM SCHOOL FOR JUVENILE NEGRO LAW-BREAKERS.

Hon. Chas. E. McCall,
Chief Examiner of Public Accounts,
Capitol.

July 14, 1913.

Dear Sir:—

Your letter requesting me to advise you as to whether an account for the purchase of mules, a wagon and a plow gear

for the Reform School for Juvenile Negro Law-Breakers should be paid out of the moneys received from the State under section 8 of the Act creating that institution, or under the provisions of section 11 of said Act, received.

The provisions of section 11 are:

“For the purpose of all land needful and the erection of buildings on any of the land acquired under the provisions of this Act, there is hereby appropriated out of the State treasury, the sum of \$8,000.00 to be paid in quarterly annual installments, upon the certificate of the Governor of Alabama, which shall be used by the trustees with the approval of the Governor, in providing the necessary buildings, lands, and equipments for the school. Approved April 24, 1911.”

The word “equipments” as used in the latter part of said section is necessarily a word of very broad meaning, and used as it is after the words “buildings and lands” in the latter part of the section, when in the former portion of the section only buildings and lands are spoken of, it is clearly shown that the equipment referred to was not only equipment necessary for the buildings, but equipment which was necessary to render the land useful and available.

Mules, wagons, and plow gears are certainly a part of the equipment necessary for the proper use of the land, and I am therefore of the opinion and so advise you that they may be paid for under the provisions of section 11 of the Act.

Yours truly,

ROBERT C. BRICKELL,
Attorney General.

**ATTACHMENTS FOR DEFAULTING WITNESSES—COUNTY
NOT LIABLE FOR COSTS OF.**

Hon. Chas. E. McCall,
Chief Examiner of Public Accounts,
Capitol.

July 14, 1913.

Dear Sir:—

I beg to acknowledge receipt of your letter of recent date with reference to cost bills in attachment cases.

The letter presented to me raises the question as to whether or not a county is liable for the costs in a case where attachments have been issued against witnesses for the State and for the defendant, and a trial in these attachment proceedings had.

After an investigation of this question, I am unable to find any statutory authority on the part of the county to pay such costs, and am therefore of the opinion that the county treasurer would be without authority to pay any costs or fees in such cases.

Yours very truly,
ROBERT C. BRICKELL,
Attorney General.

SLOT MACHINE—TAXATION OF.

July 15, 1913.

State Tax Commission,
Capitol.

Gentlemen:—

Yours requesting me to advise you if an electric piano with slot attachment operated without charge for the benefit of the customers is liable for the licenses prescribed in subdivision 60 of section 2361 of the Code, and also to advise you as to whether merchandise sold by such machines must be received direct from machines or whether slugs or checks could be dropped therefrom redeemable in merchandise, received.

The provisions of subdivision 60 so far as applicable are:

“For every machine, such as nickel-in-the-slot, or other device of like character, whether the same is charged for or not ten dollars. This shall apply to music boxes, phonographs, etc., having the nickel-in-the-slot device; but this subdivision shall not apply to any device prohibited by law or to any machine from which merchandise or gas is received for the amount placed in said machine.”

Answering your first question I beg to advise you that under the express mandate of the statute the electric piano would be liable for the tax.

Answering your second question I am of the opinion and so advise you that it is necessary under the provisions of the statute for the machine to be exempted from taxation that the merchandise shall be received directly from the machine and that any machine from which merchandise is not directly delivered to the customer is liable for the tax.

Yours truly,

ROBERT C. BRICKELL,
Attorney General.

**SUITS BY CONVICTS AGAINST HIRER—STATE WILL
NOT DEFEND.**

July 26, 1913.

Hon. Hartwell Douglass, President,
Board of Inspectors of Convicts,
Capitol.

Dear Sir:—

Yours enclosing letter from J. B. Campbell, President of Red Feather Coal Company, and requesting me to advise you thereon, received.

From the letter of Mr. Campbell it appears that certain suits have been brought by convicts worked in the mines of the Red Feather Coal Company against said company for injuries received while so engaged, and he desires to know if the State will defend these suits, and also stand the responsibility for any liability which might accrue therefrom.

In reply I beg to advise you that liability could only accrue against them because of some act of negligence by it, its servants, agents or employees, and the State would in no sense be responsible for any damages recovered by such convict, nor is the State in any manner called upon, nor would it be proper for the State to defend such suits.

The company owes the same duty to a convict, should it willfully or negligently injure him, as it would owe to a free person employed by it.

Yours truly,

ROBERT C. BRICKELL,
Attorney General.

**RETAIL LIQUOR DEALER'S LICENSE—WHEN MAY BE
ISSUED TO CORPORATION.**

July 28, 1913.

Hon. Emmet O'Neal,
Governor,
Capitol.

Dear Sir:—

Your letter enclosing an inquiry from one of the Excise Commissioners of Jefferson, and requesting me to advise you thereon, received.

The question upon which the excise commissioner desires to be advised is whether it may issue a retail liquor dealers' license to a corporation.

In reply I beg to advise you that it can only issue a retail liquor dealers' license to a corporation provided such corporation is a bona fide hotel, restaurant or social club.

Yours very truly,

ROBERT C. BRICKELL,
Attorney General.

**RIGHT OF GOVERNOR TO APPOINT UNITED STATES
SENATOR.**

August 12, 1913.

Hon. Emmet O'Neal,
Governor,
Capitol.

Dear Sir:—

Your letter requesting me to advise you as to the course you should pursue in reference to the vacancy in the Senate of the United States of America, caused by the death of Hon. Joseph F. Johnston, one of the Senators from this State, received.

In determining this question, it is necessary to consider and construe the Seventeenth Amendment of the Constitution of the United States, which is as follows:

“The Senate of the United States shall be composed of two Senators from each State, elected by the people thereof, for six years; and each Senator shall have one

vote. The electors in each State shall have the qualifications requisite for the electors of the most numerous branch of the State Legislature.

"When vacancies happen in the representation of any State in the Senate, the executive authority of such State shall issue writs of election to fill such vacancies: Provided, that the Legislature of any State may empower the executive thereof to make temporary appointments until the people fill the vacancy by election as the Legislature may direct.

"This amendment shall not be so construed as to affect the election or term of any Senator chosen before it becomes valid as a part of the Constitution;"

in connection with section 3 of article 1 of the Constitution, which it amends, and also in connection with article 5 of the Constitution, which provides for and authorizes amendments to the Constitution, with the restriction: "That no State without its consent shall be deprived of its equal suffrage in the Senate."

The primary purpose of the Seventeenth Amendment of the Constitution was to change the method of electing Senators, and to provide for their election by the people direct instead of by the Legislatures of the several States, and also to provide for the filling of vacancies which occur where the Senator has been elected, and to provide for the filling of such vacancy by the people in such manner as the law may provide, instead of by the Legislature at its next session as was provided by section 3 of article 1.

In order to prevent any State from being for any length of time without its proper representation in the Senate, it was provided by section 3 of article 1 that the executive of the State might make a temporary appointment until the next meeting of the Legislature, and the Seventeenth Amendment has provided for a like purpose that the Legislature may empower the executive to make an appointment until an election by the people.

It will thus be seen, that in both the Seventeenth Amendment and section 3 of article 1 of the Constitution, all proper safeguards were provided to prevent an unnecessary vacancy in the representation of any State in the Senate.

The Seventeenth Amendment further provides: "This amendment shall not be so construed as to effect the election or term of any Senator chosen before it becomes valid as a part of the Constitution." And in order to determine what effect this provision of the Amendment has, we must bear in mind the facts of the particular case now before us, which are—that Senator Johnston was elected by the Legislature of Alabama as a Senator of the United States for the term of six years, beginning March 4th, 1909, and expiring March 3, 1915, under the provisions of section 3 of article 1 of the Constitution, and that the term for which he was elected has not as yet expired, and will not expire until March 3, 1915. Also, that the Seventeenth Amendment became effective as a part of the Constitution of the United States by the proclamation of the Secretary of State of the United States, on the 31st day of May, 1913; and that the Legislature of Alabama has not been in session since the Seventeenth Amendment to the Constitution was proposed, and that there has been no opportunity for legislation in this State which could carry into effect the provisions of this amendment, insofar as legislative action by the several States is rendered necessary.

That the provisions of the third section of the amendment were embraced in the amendment, not for a permanent purpose, but for a temporary purpose, that is, to preserve the integrity of the Senate as a Constitutional body, until such a time as its membership could be elected in accordance with the provisions of the amendment, no reasonable man can doubt. Nor can it be doubted that it was known and recognized at the time the amendment was framed and submitted for ratification, that this change would require time within which to become operative.

The framers, therefore, advisedly provided, not only that its adoption should not affect the election, but also that it should not affect the term of any Senator chosen before its ratification.

We are therefore forced to consider and determine the meaning of the word "term" as used in the third section of the Seventeenth Amendment.

In 38th Cyc. p. 184, in defining the word "term," it is said, "As applied to time, a fixed period; a determined or prescribed duration; the time for which anything lasts; any limited time."

That the term of office of an officer is separate and distinct from the person exercising the duties of the office, there can be no doubt. In *State v. Sayre*, 118 Ala. 1, this distinction is recognized, both in the opinion of the majority of the court, written by Brickell, C. J., in the concurring opinion of Justice McClellan, and in the dissenting opinion of Justice Head, in which latter opinion it is said:

"The phrase 'term of office,' in ordinary parlance, means the fixed period of time for which the office may be held. And we have a statutory rule for the construction of statutes, requiring that, in construing statutes, 'words and phrases shall be taken in their plain, ordinary and usual sense' except that technical words and phrases having a peculiar and appropriate meaning in law, shall be understood according to their technical import. * * * * * Going to the standards of our language we find that a term means the time for which anything lasts; any limited time; the term of life. * * * And turning to authorities they announce that the expression 'term of office' uniformly designates a fixed and definite period of time. * * * * * So that whether we take the phrase 'term of office' in its ordinary or popular sense, or in its technical import, it means one and the same thing, a fixed and definite period of time. Of course every such period of time, in order to be fixed and definite must have a point of beginning, and a point of termination, equally fixed and definite."

To the same effect see citations under head "Term of office," in Vol. 8, Words and Phrases, p. 6920-21.

The provisions of section 3 of article 1 of the Constitution of the United States dividing the Senate into classes, so that the term of one-third of the Senators should expire every two years, and fixing such uniform period for the expiration of their terms of office is in no manner affected by the Seventeenth Amendment, nor was it ever intended that they should be so affected, and therefore, the word "term" was embraced in the Seventeenth Amendment, in addition to the word "election."

I am, therefore, of the opinion, and so advise you, that as to the vacancy caused by the death of Senator Johnston, the power and duty imposed upon you by section 3 of article 1 of the Constitution of the United States remains unaffected by the adoption of the Seventeenth Amendment for the reason that this amendment by its express terms postpones its operation in the case of a vacancy occurring as this one did, until the expiration of the term, which the encumbent was holding at the time of the adoption of the Seventeenth Amendment.

I am further strengthened in this conclusion because any other conclusion would deprive the State of Alabama of its right to equal suffrage in the Senate, of which no amendment to the Constitution of the United States can deprive it under the provisions of article 5 of the Constitution of the United States, above referred to.

Yours very truly,
ROBERT C. BRICKELL,
Attorney General.

**INJUNCTION SUITS BY AND AGAINST COUNTY. PAYMENT
OF JUDGE OF PROBATE AS HARD LABOR AGENT.**

August 14, 1913.

Mr. J. T. Gorman,
Evergreen, Ala.

Dear Sir:—

In reply to your favor of the 6th inst., asking whether the payment to attorneys for services rendered the county as the defendant in an injunction suit is chargeable against the county or against the complainant in the suit, I beg to advise you as follows:

The defense of such suit is incumbent on the county.

“The employment (of counsel) is a necessity, for an appearance by person is a mere impossibility. Compensation of counsel is a claim upon the county, which it lies within the jurisdiction of the commissioners court to allow, and order paid from the county treasury.”

Jack v. Moore, 66 Ala. 184, 187.

If upon the final hearing however, the injunction is dissolved, the complainant becomes liable to the county for the necessary and proper expenses incurred in procuring the dissolution.

Code, section 4517;

Jackson v. Millspaugh, 100 Ala. 285;

Jesse French Piano & Organ Co. v. Porter, 134 Ala. 302;

Gray v. South & North Alabama R. R. Co., 162 Ala. 262;

Tyson v. Norwood, 170 Ala. 651.

The payment of the compensation to attorneys is a proper one against the county and its amount is within the discretion of the commissioners.

Washington County v. Porter, 128 Ala. 278.

The county may sue on the injunction bond and recover damages and expenses, but with this we have nothing to do.

I am unable to find provision for the compensation of the county hard labor agent and such payment is therefore illegal.

Troup v. Morgan County, 109 Ala. 162, 165;

Torbert v. Hale County, 131 Ala. 143, 145.

The duty is one usually performed by the judge of probate and for his compensation he must look to his ex-officio fee.

Acts 1907, page 179 (Code, Vol. 3, p. 422).

Yours very truly,

WM. L. MARTIN,
Assistant Attorney General.

**TREASURER LIABLE FOR PAYMENT OF WARRANTS NOT
AUDITED BY COMMISSIONERS' COURT.**

August 14, 1913.

Mr. J. T. Gorman,
Evergreen, Ala.

Dear Sir:—

In reply to your favor of the 11th inst., asking the advice of this department relative to the liability of the judge of probate and the county treasurer for the issuance of warrants by the former on claims that have not been admitted and allowed by the court of county commissioners, and their payment by the latter, I have the honor to advise you that the treasurer and not the judge of probate, who is not the recipient of the amount paid, is liable for this unauthorized payment. It is made the duty of the treasurer to pay out of the (proper) funds of the county, in the order of their registration, all claims which have been "audited and allowed by the court of county commissioners."—Code, section 211, subdivisions 4, 5. Without such audit and allowance by the court of county commissioners there exists no valid claim to justify a payment by the treasurer.

Code, section 3313;
Schroeder v. Colbert County, 66 Ala. 137;
Hawkins v. Duncan, 103 Ala. 398;
Miller v. the State, 145 Ala. 494;
Smith v. McCutchen, 146 Ala. 455.

The payment of such a claim would obviate the mandate of the statute forbidding suit against the county until after the disallowance of the claim by the court of county commissioners.

Code, section 2472;
Washington County v. Porter, 128 Ala. 278;
Barrett v. City of Mobile, 129 Ala. 179, 185.

Yours very truly,
WM. L. MARTIN,
Assistant Attorney General.

**METHOD OF DETERMINING WHEN SALOON IS WITHIN 300
FEET OF CHURCH OR SCHOOL.**

August 18, 1913.

Hon. Emmet O'Neal,
Governor,
Capitol.

Dear Sir:—

I beg to acknowledge receipt of your favor of the 12th inst., enclosing a letter from the Excise Commission of Jefferson County wherein said commission requests to be advised as to the construction to be placed upon section 9 of the Smith Regulation Bill, passed at the session of the Legislature in 1911.

So far as applicable to the question involved here, the statute provides, among other things, that an applicant for a license to sell intoxicating liquors shall certify:

“That said business is not located within 300 feet of any church or public school established and located prior to the passage of this Act.”

The question propounded by the Excise Commission is with reference to the method of measuring a distance between a church or school, and the “business” questioned in the Act.

After an investigation of the question, and a study of the plat enclosed by the Excise Commission of Jefferson County, I am unable to advise upon the particular case presented there for the reason that the plat does not show the measurement which in my opinion is contemplated by this section of the Smith Bill.

However, in construing this section of the Smith Bill, I beg to advise you that the distance should be computed from the nearest point of the room wherein the business is conducted to the nearest point of the church or school building; and this distance should, in my opinion, be computed not by the usual route travelled, but by the distance between these points in a direct line.

I return you, herewith, the correspondence enclosed in your letter.

Yours very truly,
ROBERT C. BRICKELL,
Attorney General.

EXCISE COMMISSION—CONTINGENT FUND OF.

August 20, 1913.

Hon. Emmet O'Neal,
Governor,
Capitol.

Dear Sir :—

Your letter requesting me to advise you whether the Excise Commissioners can use part of their contingent fund for paying attorneys for their services rendered in defending the Smith Bill, which was attacked as unconstitutional, received.

The fund inquired about is created by section 14 of the Act known as the Smith Bill, the provision for which is as follows: "That no application for a license shall be considered by the commission unless the applicant at the time of making the application shall deposit with the commission the sum of \$10.00, which shall be retained by the commission as a contingent fund to be used for the incidental expenses of the commission."

When an attack is made upon the validity of the law, under which the Excise Commissioners hold their offices, and it becomes necessary to defend their rights to exist as commissioners as distinguished from the right of any particular individual to act as commissioner, it seems to me that this is an incidental expense of the commission, and that they would be authorized to use the contingent fund provided for by section 14 of the Act for the purpose of paying counsel for services rendered in maintaining the validity of the enactment.

Yours very truly,

ROBERT C. BRICKELL,
Attorney General.

COUNTY NO AUTHORITY TO PAY PHYSICIAN FOR SERVICES AT EXECUTION OF CRIMINAL. COUNTY COMMISSIONER CANNOT BUY FOR COUNTY AT HIS OWN STORE. CARE OF INSANE WHEN JAIL CLOSED.

August 20, 1913.

Hon. Chas. E. McCall,
Chief Examiner of Public Accounts,
Capitol.

Dear Sir:—

In reply to your favor of the 18th inst., enclosing letters from the Judge of Probate of Pickens County, which I return herewith, asking certain questions, I beg to advise you as follows:

(1). The Code, section 6638, fixes at \$50.00 the sheriff's fee for the execution of a criminal and "all incidents." There is no provision for the payment of a physician for his attendance.—The report of the Attorney General, 1910-12, page 195. Under section 1612 of the Code the county may, under certain circumstances, pay the burial expenses of the prisoner.

(2). A merchant who is a county commissioner, and who "sells any goods or supplies to the county," violates the provisions of section 7434 of the Code.

(3). There is no provision of law by which the medicinal and other expenses of an insane prisoner, who is a convict, can be paid by the county if the jail has been ordered closed by the prison inspector.—Code section 871; Acts 1907, special session, page 179, section 3.

Yours very truly,

ROBERT C. BRICKELL,
Attorney General.

**EXPENSES OF GOVERNOR'S STAFF TO INAUGURATION OF
PRESIDENT WILSON—STATE NO AUTHORITY
TO PAY.**

August 25th, 1913.

Hon. C. B. Smith,
State Auditor,
Capitol.

Dear Sir:—

Your letter requesting me to advise you as to whether you had a right, as State Auditor, to draw a warrant on the State Treasury in favor of Col. G. W. Covington for \$88.45, as expenses for attending the inauguration of President Wilson, as member of the staff of the Governor of Alabama, said expense account being approved by the Adjutant General and by the Governor, received.

In reply, I beg to advise you that I can find no authority of law whatsoever which would justify or authorize the payment of this account.

I am, therefore, of the opinion, and so advise you, that this account is not a legal demand upon the State Treasury.

I return you herewith the paper sent me.

Yours very truly,

ROBERT C. BRICKELL,
Attorney General.

**EXPENSES OF STATE EXAMINER—PREFERRED CLAIM
AGAINST COUNTY.**

August 26, 1913.

Hon. C. B. Smith,
State Auditor,
Capitol.

Dear Sir:—

Your letter enclosing two communications to the State Treasurer, one from the Probate Judge of Houston County and the other from the Probate Judge of Morgan County, in reference to the payment of the county's part of the expense of an examination conducted by one of the State examiners, received.

In reply I beg to advise you that these claims are unquestionably preferred claims against the county of the highest character under the provisions of section 1 of the Act amending sections 546 and 547, approved April 18th, 1911, "Acts 1911, page 490."

Yours very truly,

ROBERT C. BRICKELL,
Attorney General.

MILITARY FUNDS—EXPENDITURE OF.

August 29, 1913.

Hon. Chas. E. McCall,
Chief Examiner of Public Accounts,
Capitol.

Dear Sir:—

Your letter submitting to me certain questions with reference to the expenses of the Fourth Regiment of the Alabama National Guard while at camp at East Lake, received.

Your first question deals with the purchase of supplies for the regiment, and whether the same is in conformity with the order issued from the Adjutant General's office on July 23rd, 1913, directing the purchase of all supplies in accordance with the provisions of sections 3709 and 3710 of the Revised Statutes of the United States.

From the letter of explanation of Col. E. H. Graves, which accompanies the paper submitted to me, it appears that he did advertise for bids for the supplies desired, but in some way it was defective and he received no bids in response to the advertisement. He thus found himself and his regiment about to encamp without any supplies when he proceeded to purchase the same in the ordinary manner. In my opinion the condition thus revealed was such an exigency, as is contemplated by section 3709 of the Revised States of the United States, that the purchase of supplies, in the manner in which they were purchased, was authorized.

Your next question deals with the question of sprinkler heads, and you desire to be advised whether such purchase was a proper purchase, and if so, to whom the property so

purchased belonged—that is, should these sprinkler heads and other like property be charged against the regiment as property of the State, and the regimental officers held to account therefor.

In reply I beg to advise you that it appears from the letter of explanation of Col. Graves that these sprinkler heads were purchased for the purpose of furnishing bathing facilities for the camp, and that they comprised the only bathing facilities in the camp. Therefore, I beg to advise you that their purchase was proper and that they and other like articles should be charged to the regiment as the property of the State, and the regimental officers be held responsible therefor.

Your next question deals with the account of Col. Graves, amounting to \$20.55. I have examined the items of this account, and find the same to be proper charges.

You further request to be advised as to the expense account of Commissary Captain Chas. O. Brown, amounting to \$13.13 for expenses to the camp one day ahead and remaining over one day after the close of the camp. In reply I beg to advise you that, in my opinion, this expenditure is authorized and proper.

I return you herewith the papers sent me.

Yours very truly,

ROBERT C. BRICKELL,
Attorney General.

BOND OF COUNTY TAX COMMISSIONER.

January 7, 1913.

Hon. John S. Mooring,
State Tax Commission,
Capitol.

Dear Sir:—

I beg to acknowledge receipt of yours of the 1st inst., requesting to be advised of the amount of bond required of county tax commissioners.

Replying to your question I beg to advise you that after investigation the only law which I can find upon this subject

is contained in section 2243 of the Code of Alabama, wherein county tax commisioners are required to give bond to be approved by the probate judge of the several counties, such bond to be filed with the State auditor.

I, therefore, beg to advise you that the amount of bond required of each commisioner rests within the discretion of the probate judge of such county, such probate judge being the officer required by law to approve the bond.

Yours very truly,

WM. L. MARTIN,
Assistant Attorney General.

**OFFICERS' FEES—CHARGES AGAINST FINE AND
FORFEITURE FUND.**

July 23, 1913.

Hon. Chas. L. Townes,
Huntsville, Ala.

Dear Sir:—

In reply to your favor of June 23rd, asking the advice of this department relative to the payment of the balance due on officers' fees arising out of convictions, which have been partially paid under contract of hire, I beg to advise you that such balanace due is a proper charge against the fine and forfeiture fund and is payable according to the provisions of section 6889 of the Code.

Gray v. Abbott, 130 Ala. 322;
Mims v. State, 61 South. Rep., 6. 811.

Yours very truly,

WM. L. MARTIN,
Assistant Attorney General.

TAX ASSESSOR—FEES OF.

August 19, 1913.

Hon. C. B. Smith,
State Auditor,
Capitol.

Dear Sir:—

In reply to your favor of the 6th inst., enclosing letter from the tax assessor of Montgomery county, which I return herewith, asking if that official is entitled to commissions on county taxes which did not arise from assessments made by him, I have the honor to advise you as follows:

Section 2097 of the Code allows the tax assessor certain commissions on State taxes on assessments made by him. It further provides that he shall be entitled to receive the same rate of commissions on the amount of county taxes, whether general or special, which are "regularly assessed, carried up or extended on the assessment book." He shall receive also five per cent. of the amount of general State taxes upon property assessed by him which has escaped taxation in the previous year, such previous assessment not having been made while he was tax assessor.

It will be seen that the statute plainly allows commissions on State taxes, and on general State taxes upon property which escaped the previous year, only when such taxes had been assessed by that officer, leaving open for decision the allowance of commissions on county taxes when assessments have not been made by the assessor.

It is the policy of the tax statutes to allow compensation only according to the benefits accruing to the State and county. The collector is entitled to certain commissions on taxes collected by him.—Code, section 2164. If he assesses and collects any escaped taxes, he is chargeable with the amount thereof, less his commissions, thus allowing for no commission to the assessor.—Code, sections 2196, 2202. And so with the tax commissioner whose compensation is dependent on the success of his efforts.—Code, sections 2242, 2245, 2249, 2251, 2256, 2266. In some instances the assessment of escaped taxes is reported by the tax commissioner to the court of county commissioners and does not reach the assessor, the collector being chargeable with the amounts collected.—Code,

sections 2250, 2260, 2267. The county is entitled to its share of such taxes, which have been entered on the assessment book; yet the assessor could not contend that he is entitled to his fees on such taxes. They have not been entered by *him*.

The statute as it appears today (Code, section 2097) is the same as when originally enacted.—Acts 1896-7, p. 1489. The tax assessor of Montgomery county does not contend that he is entitled to his commissions on State taxes, basing his claim as to county taxes solely on the omission of the words “by him” from the statute with reference thereto.

I do not think such commissions legal. Their allowance is contrary to the policy of tax statutes. When an assessment is made by another than the assessor, there is no reason why he should be deprived of his commission on the state tax and allowed it on the county tax. His duty in connection with the former is no less important than with the latter. One is as arduous as the other. In each instance the assessor follows the suggestion of another.

I am further persuaded to this opinion by the verbiage of the statute fixing the assessor's commissions upon the amount of county taxes *regularly* assessed. An assessment by the court of county commissions, the collector, or the tax commissioner is not made in the sense in which *regularly* is used. In this instance the word means “conformable to law or custom; in a way or method accordant to rule or established mode; in uniform order; methodically; in due order.”—Words and Phrases, p. 6040. Such an assessment is not regular. It is not accordant to the established mode of assessing taxes; it is not in uniform or due order, or methodical. Such an assessment is made in a manner which is exceptional. This situation seems to have presented itself to the legislature which enacted a saving clause by which the assessor would be entitled to fees on certain irregular assessments; those which had been reduced by the court of county commissioners from the figures of the assessor.—Code, section 2098.

In the case of *Stewart v. Sample*, 168 Ala. 270, growing out of the assignment by an assessor of commissions due him, the Supreme Court said that, as to State taxes, when the assessor had made the assessment, nothing remained for him to do and he had earned his commission (p. 281). But from the section

cited (Code 2097) "his commissions on county taxes were not earned until *he had* not only made the assessments but had carried them up and extended them on the assessment book." (p. 282).

The law of fees must be strictly construed and no fee allowed except in cases expressly provided by law. There is certainly a doubt of the authority of the assessor to draw this commission. And where the officer claiming the fee cannot point out the authority expressly allowing it, he cannot collect the fee.

Troup v. Morgan County, 109 Ala. 162, 165;
Torbert v. Hale County, 131 Ala. 143, 145;
Van Epps v. County Commissions, 25 Ala. 460;
Mitchell v. Tallapoosa County, 30 Ala. 131;
Posey v. Mobile County, 50 Ala. 6;
Naftel v. Montgomery County, 127 Ala. 563.

In my opinion, therefore, based on the policy of the tax statutes, the law of costs and fees and the foregoing authorities, the assessor is not entitled to commissions on county taxes unless such have been assessed by him.

Yours very truly,

WM. L. MARTIN,
Assistant Attorney General.

INSURANCE PREMIUM TAX—DEDUCTION FROM.

September 4, 1913.

Hon. Chas. E. McCall,
Chief Examiner of Public Accounts,
Capitol.

Dear Sir:—

I beg to acknowledge receipt of your letter of August 19th, in which you request to be advised, among other things, as to whether a domestic insurance company in paying to the insurance commissioner the required percentage tax on premiums received by it is entitled to claim a credit for all the taxes, State, county and municipal, that it pays on its property or

shares, or whether such credit should be limited to the taxes paid to the State on its property or shares.

After an examination of section 4 of the revenue bill of 1911, which levies the tax on gross premiums, and allows a credit for taxes on its property or shares, and keeping in mind the intent of the legislature, I beg to advise you that it is my opinion that the credit there given relates only to taxes paid for State purposes, and that in computing the tax on gross premiums, no deduction or credit should be allowed a domestic insurance company for a county or municipal tax paid on its property or shares of stock.

Yours very truly,

T. H. SEAY,

Assistant Attorney General.

STATE HEALTH DEPARTMENT—USE OF FUNDS OF.

Dr. W. H. Sanders,
State Health Officer,
Capitol.

September 11, 1913.

Dear Sir:—

Your letter requesting me to advise you as to whether you would be authorized to expend part of the appropriation made to the State board of health to enlarge and rearrange the quarters now occupied by the State laboratory, received.

In reply I beg to advise you that it is my opinion that such a use of the money appropriated would be authorized.

Yours very truly,

ROBERT C. BRICKELL,
Attorney General.

FINE AND FORFEITURE FUND—CLAIMS AGAINST.

Hon. Chas. E. McCall,
Chief Examiner of Public Accounts,
Capitol.

September 11, 1913.

Dear Sir:—

Your letter requesting me to advise you as to whether the county treasurer of a county should register and pay as claims

against the fine and forfeiture fund, witness certificates duly authenticated where a part has been paid out of the State convict fund, but the amount paid from such fund did not fully pay the amount of such witness certificates, received.

In reply I beg to advise you that on February 6, 1912, in an opinion which appears on page 278 of my printed report for the years ending September 30, 1912, I advised Hon. H. Y. Brooke, Examiner of Public Accounts, that such claims were not a proper charge against the fine and forfeiture fund.

However, since that time, my attention has been called to the case of Gray v. Abbott, 130 Ala. 322, where this question was directly decided, and also to the recent case of State v. Mims, MS., and after considering these cases it appears that the Supreme Court has taken a different view on the matter from that contained in my opinion to Examiner Brooks above referred to.

I am, therefore, of the opinion, and so advise you, that the county treasurer should register and pay such claims out of the fine and forfeiture fund, provided the claims are registered with him within twelve months after they accrue, and so much of the opinion to Examiner Brooke above referred to as is in conflict with this opinion shall be considered as withdrawn.

Yours very truly,

ROBERT C. BRICKELL,
Attorney General.

PAYMENT OF ROAD HANDS BY COUNTY.

September 11, 1913.

Hon. J. T. Gorman,
Examiner of Public Accounts,
Chatom, Alabama.

Dear Sir:—

Your letter requesting me to advise you as to whether the overseer of roads should make out and present to the commissioners' court a pay roll for the hands which he employs before the same can be paid, received.

In reply I beg to advise you that this is a matter which I do not believe comes within the provisions of section 146-7

of the Code, but that the court of county commissioners could provide by general order for the payment for these services direct by the treasurer without waiting for a meeting of the commissioners' court.

Yours very truly,
ROBERT C. BRICKELL,
Attorney General.

**SHERIFF NOT ENTITLED TO FEES FOR ATTENDING
COMMISSIONERS' COURT.**

September 11, 1913.

Hon. J. T. Gorman,
Examiner of Public Accounts,
Chatom, Alabama.

Dear Sir:—

Your letter requesting me to advise you whether a sheriff is entitled to a fee of \$2.00 per day for attendance upon commissioners' court, received.

In reply I beg to advise you that I know of no authority for any such payment.

Yours very truly,
ROBERT C. BRICKELL,
Attorney General.

COAL—PURCHASE OF BY COUNTY.

September 15, 1913.

Hon. Chas. E. McCall,
Chief Examiner of Public Accounts,
Capitol.

Dear Sir:—

Your letter enclosing letter from Hon. F. M. T. Tankersley, Judge of Probate of Crenshaw County, and requesting me to advise you thereon, received.

From the letter of Judge Tankersley it appears that he desires to be advised if coal purchased for the use of the office of

judge of probate and other county officers would be a proper charge against the county, and if so, how the same should be purchased.

In reply I beg to advise you that I think coal purchased for making fires in the offices of those officers who are authorized by law to keep an office in the county court house would be a proper charge against the county, and the same should be purchased in such manner as directed by the court of county commissioners.

Yours very truly,
ROBERT C. BRICKELL,
Attorney General.

JUSTICES OF THE PEACE—SENTENCES TO HARD LABOR.

September 15, 1913.

Hon. Chas. E. McCall,
Chief Examiner of Public Accounts,
Capitol.

Dear Sir:—

Your letter enclosing letter from Hon. J. T. Norman, Judge of Probate of Bullock County, and requesting me to advise you thereon, received.

From the letter of Judge Norman it appears that he desires to be advised whether the court of county commissioners has authority to pay the costs of a justice of the peace in a case where the defendant has been sentenced by him to hard labor for the county, or sentenced in default of the payment of a fine.

In reply I beg to advise you that under section 6734 of the Code, a justice of the peace has no authority to sentence any person to hard labor for the non-payment of costs and it, therefore, follows that the court of county commissioners has no authority to pay him his costs in such cases.

Yours very truly,
ROBERT C. BRICKELL,
Attorney General.

STATE TAX COMMISSION—VISITS TO COUNTY SEAT.

September 17, 1913.

Hon. John S. Mooring, Chairman,
State Tax Commission,
Capitol.

Dear Sir:—

Your letter requesting me to advise you whether before the tax commission can re-assess or re-value any property under subdivision 13 of section 2223 of the Code, it is necessary that they visit the county seat of the county in which the property is situated, twice; that is, once for the purpose of determining whether they will cite the taxpayer to show cause why his property should not be re-valued and re-assessed, or whether they will only have to visit the county once, and that at the time the notice is given the tax payer to appear before them as provided in section 2228 of the Code, received.

Section 2217 of the Code providing for a visit to the county seat by a majority of the commission for the purpose of investigating, making, revising, re-assessing and assessing property, must be construed in connection with section 2228, which provides the notice which must be given the taxpayer before his property can be re-valued or re-assessed. Construing these two statutes in connection with each other as a part of a system, it was evidently only the legislative intention to give the taxpayer notice and an opportunity to be heard before the assessment of his property should be interfered with. This is all that public policy, or the requirement of the constitution, either State or Federal, renders necessary.

I am, therefore, of the opinion, and so advise you, that it is only necessary for the tax commission to visit the county seat once in order to re-assess or re-value property, and that is at the time specified in the notice served upon the taxpayer.

Yours very truly,

ROBERT C. BRICKELL,
Attorney General.

SCHOOL APPROPRIATIONS—PAYMENT OF.

September 18, 1913.

Hon. Emmet O'Neal,
Governor,
Capitol.

Dear Sir:—

In reply to your favor of the 17th inst., asking the advice of this department with reference to the appropriations for the University of Alabama, Alabama Polytechnic Institute and other institutions, and particularly with reference to your power to control the amounts and dates of payments of such appropriations, I beg to advise you as follows:

Under the provisions of section 1872 of the Code, the "university fund" amounts to \$61,000 per annum, payable to the duly authorized agent of the university, in equal amounts on the last days of March, June, September and December of each year, upon the application of such agent to the State auditor.

Under the provisions of an act approved April 11th, 1911. (Acts 1911, p. 379) there is an additional annual appropriation of \$50,000, payable in equal quarterly installments on the first day of January, April, July and October, upon warrants drawn by the State auditor. In this act it is further provided:

"That the sum hereby appropriated shall be payable on the approval of the governor, in whole or in part, from time to time, as in his opinion, the condition of the treasury may warrant."

Section 1910 of the Code provides for the quarterly payment by the State treasurer to the treasurer of the Alabama Polytechnic Institute, the amount of the interest at the rate of 8% per annum on a fund of \$253,500. Section 1911 provides for the appropriation of \$40,000 annually, in lieu of the fertilizer tag tax.

An additional appropriation of \$40,000 annually for buildings and equipment, and \$10,000 annually for maintenance, to be paid by the State treasurer, on warrants drawn by the treasurer of the institute, was made by the last legislature.—Acts 1911, p. 389.

It was provided that the building fund be drawn for amounts to meet the liabilities actually incurred as shown by the certification of the president of the institute; but the maintenance appropriation should be paid quarterly as the other regular appropriations were paid. The additional appropriations, however, are payable on the approval of the governor, in whole or in part, from time to time, as in his opinion the condition of the treasury may warrant.

An appropriation of \$36,000, payable in quarterly installments, to the treasurer of the Alabama Girls' Technical Institute, is provided for by section 1929 of the Code; and an additional appropriation of \$30,000, payable at the end of every quarter, is provided for by section 1932, and by subdivision 78, p. 151, of the General Laws of 1911.

Under the provisions of an act approved April 12th, 1911, (Acts 1911, p. 377) there was appropriated a sum of \$50,000 annually, to be paid on the first day of October, in the years 1911, 1912, 1913 and 1914, to the treasurer of the institute, on the order of the president. It was further provided that this appropriation be approved by the governor, in whole or in part, from time to time, as in his opinion the condition of the treasury may warrant.

The Alabama Insane Hospital is entitled to a sum not exceeding \$3.50 per week for every indigent and insane patient, to be paid on the last days of March, June, September and December of each year.—Acts 1907, Special Session, p. 164.

Each high school is entitled to \$3,000 annually, to be payable quarterly.—Acts 1911, p. 324.

Under the provisions of an act approved April 14, 1911, (Acts 1911, p. 416), the sum of \$20,000 is appropriated for each of the normal schools at Florence, Troy, Jacksonville, and Livingston; and \$5,000 each for the normal schools at Moundville and Daphne. Under the provisions of section 1679 of the Code these appropriations are placed to the credit of the educational fund on the 1st day of October.

The sum of \$50,000 to be paid in four equal annual installments, on the 1st day of October, 1911, 1912, 1913 and 1914, for the normal school at Florence was provided by the last legislature.—Acts 1911, p. 556. It was further provided that said sums be payable on the approval of the governor, in whole

or in part, from time to time, as in his opinion the condition of the treasury may warrant.

An appropriation of \$40,000 was made by the legislature of 1911, payable in four annual installments of \$10,000 each on the first day of October, 1911, 1912, 1913 and 1914; this for the purpose of constructing additional buildings, and for furnishing and equipping them. It was also provided in this act that the sum appropriated be payable on the approval of the governor, in whole or in part, from time to time, as in his opinion the condition of the treasury might warrant.—Acts 1911, p. 378.

There was appropriated by the legislature of 1911 for the normal school at Jacksonville, the sum of \$60,000, payable in four equal installments of \$15,000 each on the first day of July 1911, 1912, 1913 and 1914.; this appropriation to be paid only on the approval of the governor, as in his opinion the State of the treasury may warrant.—Acts 1911, p. 586.

Under the provisions of an act approved April 18th, 1911, (Acts 1911, p. 451) the sum of \$40,000 was appropriated for the normal school at Livingston, payable in four equal installments of \$10,000 each, on the first day of October, 1911, 1912, 1913 and 1913; such appropriation to be paid only on the approval of the governor, who might approve the payment in whole or in part, from time to time, as in his opinion the condition of the treasury may warrant.

The sum of \$25,000. was appropriated annually for four years, beginning January 1st, 1911, for the normal school at Moundville. This act contains the same provision with reference to the governor's authority to approve the payment of the appropriation, in whole or in part, as, in his opinion, the condition of the treasury may warrant.—Acts 1911, p. 417.

The normal school at Daphne is allowed \$2,500 annually, payable on October first, on the approval of the governor, in whole or in part, as in his opinion the state of the treasury might warrant.—Acts 1911, p. 405.

The additional sum of \$7,500 was appropriated for the State normal school at Montgomery, to be paid in three equal installments on the first day of October, January and April, with the approval of the governor, in whole or in part, as in his opinion the state of the treasury may warrant.—Acts 1911, p. 457.

The Huntsville State Colored Normal and Industrial School is entitled to its appropriation of \$4,000, under the provisions of an enactment found in the acts of 1884-5, p. 162, and to its share of \$50,000 granted by Congress, and accepted by the State, under the provisions of an enactment found in Acts 1890-1, p. 433. The part to which this school is entitled is 45% of \$50,000, or \$22,500.

Yours very truly,
WM. L. MARTIN,
Assistant Attorney General.

COUNTY TREASURER—COMPENSATION OF.

September 19, 1913.

Mr. Chas. L. Townes,
Examiner of Public Accounts,
Guntersville, Alabama.

Dear Sir:—

In reply to your favor of the 18th inst., asking the advice of this department with reference to the authority of the county treasurer to compensate himself for his services as such, without the allowance of such compensation by the commissioners court, I beg to advise you that under the provisions of section 217 of the Code that official is entitled to "such compensation as may be allowed by the court of county commissioners," not to exceed a fixed percentage. Where the salary is not fixed his claim for compensation would have to be audited and allowed by the commissioners, there being no other valid method of paying claims against the county.

Code, sections 146, 147, 3313;
Schroeder v. Colbert County, 66 Ala. 137;
Hawkins v. Duncan, 103 Ala. 398;
Miller v. State, 145 Ala. 494;
Smith v. McCutchen, 146 Ala. 455.

Yours very truly,
WM. L. MARTIN,
Assistant Attorney General.

**POWERS OF JUDGE OF COUNTY COURT—AFTER
ADJOURNMENT OF TERM.**

Septemled 20, 1913.

Hon. J. T. Gorman,
Examiner of Public Accounts,
Brewton, Alabama.

Dear Sir:—

In answer to your question with reference to the authority of the judge of the county court to remit in one term a fine imposed at a previous term, I beg to advise you that the remission of fines is reposed in the governor, (Constitution, section 124), and in judges upon the imposition of a fine by the jury and upon spreading on the minutes of the court their reason for so doing. (Code, section 7629.) Omitting the question of the authority of the judge of the county court to remit any fine, I think the remission at a term subsequent to that at which such fine was imposed, presents a sufficient reason for declaring such remission illegal.

After the final adjournment of a term, the court "ceases to have any power over its judgments, except to correct clerical errors and misprisions, where enough appears on the record to do so."

Lawson v. Moore, 44 Ala. 274;
Curtis v. Gaines, 46 Ala. 455;
Van Dyke v. State, 22 Ala. 57;
Watson v. Stone, 52 Ala. 150;
Seawell v. Buckley, 54 Ala. 592;
Ex parte Creswell, 60 Ala. 378;
Buchanan v. Thomason, 70 Ala. 401;
Donnell v. Hamilton, 77 Ala. 610;
Wiggins v. Steiner, 103 Ala. 655.

Yours very truly,
WM. L. MARTIN,
Assistant Attorney General.

PENSIONS—WHO ENTITLED TO.

September 24, 1913.

Hon. H. Y. Brooke,
Examiner of Public Accounts,
Care War Department, Washington, D. C.

Dear Sir:—

Your letter requesting me to advise you whether or not a soldier or the widow of a soldier who did not serve in the Confederate States regulars or in the State troops of Alabama is entitled to a pension under the Alabama laws, and also whether pensions of widows are confined to the widows of those who served in the State of Alabama, received.

In reply to your first question I beg to advise you that it is clear from section 1 of the act approved April 24, 1911, known as the pension act, that only those who were regularly in service of the Confederate States or the State troops of Alabama are entitled to a pension under that act.

Your second question as to widows would probably present some question of difficulty, were it not for the provision of section 2 of the act in connection with which the provision of section 9 must be construed, from which it will appear that if the husband is entitled to a pension, the widow will be.

Yours very truly,

ROBERT C. BRICKELL,
Attorney General.

STATE TAX COMMISSION—SETTING ASIDE ASSESSMENTS.

September 24, 1913.

Hon. John S. Mooring, Chairman,
State Tax Commission,
Capitol.

Dear Sir:—

In reply to your favor of this date asking the advice of this department relative to the authority of the tax commission to set aside after the first day of October assessments made after

that date by the court of county commissioners in instances of undervaluation as provided by section 2250 of the Code; also, the authority of the commission to set aside assessments made before the first day of October, knowledge of which does not reach the commission until after that date, I have the honor to advise you as follows:

The tax year begins on the first day of October, when assessments may be made final by being paid. Under the provisions of subdivision 36-D of an act "to further provide for the revenues of the State of Alabama, Acts 1911, p. 188, any assessment, fixed by the tax commission, or by a county tax commissioner, or by the judgment of the court of record, shall not be changed for the next succeeding year unless there be a change in the condition of the improvements on said property.

Under the provisions of section 36-C of the same act, the taxpayer has the right of appeal within thirty days from the date of the assessment. The statute fixes no limitation as to the time within which the tax commission must act in its revisory or other capacity.—State Tax Commission v. Bailey, 60 South. Rep. 913, 915. It may do so at any time within the tax year then present, at the termination of which the property owner shall pay his taxes and render the assessment final.

While the statute has made no provision for the instances you relate, and while I have some reason to believe that an assessment made by the county tax commissioner, or the court of county commissioners, after October 1st, of the tax year just ended, is subject to revision under the general power of the tax commission, provided such taxes are not paid before affirmative action on the part of the commission, I think the safe rule for the commission to follow, and that will avoid any question or regularity, is to set aside or to take charge of before October 1st, any assessment with which it finds fault.

This may be done without notice to the owner, but under the provisions of section 2220 of the Code, he is entitled to thirty days' notice before re-assessment.

Yours very truly,

WM. L. MARTIN,
Assistant Attorney General.

EXCISE COMMISSION—CONTINGENT FUND OF.

September 29, 1913.

Hon. Emmet O'Neal,
Governor,
Capitol.

Dear Sir:—

Your letter enclosing letter from Hon. W. C. Agee, Chairman of the Excise Commission of Jefferson County, and requesting me to advise you thereon, received.

From the letter of Mr. Agee it appears that he desires to be advised as to the right of the commission to use its contingent fund for the payment of detectives in two characters of cases therein mentioned. The first case is that of an attempt to blackmail a license dealer, and the second is in reference to attacks made upon members of the commission.

The facts stated in reference to the first matter, that is the attempt at blackmailing, are not sufficient for me to form an opinion thereon.

As to the second question, that is, with reference to attacks upon members of the commission, and the defense of the charges brought against him, this would appear to be a personal matter, and therefore, not a proper charge against the contingent fund of the commission.

Yours very truly,

ROBERT C. BRICKELL,
Attorney General.

LICENSE—EFFECT OF.

October 1, 1913.

Hon. W. R. Foster,
Examiner of Public Accounts,
Jasper, Alabama.

Dear Sir:—

Your letter requesting me to advise you if the judge of probate is required to question an applicant for a bottler's license as to whether he intends to use caffeine or not, and if the probate judge fails to make this inquiry, is he liable for the

difference in the price of the license, where the bottler does usecaffiene, received.

In reply I beg to advise you that it is the duty of the probate judge to issue the license requested, and if the party requesting the license carries on a business other than that authorized by it, the license would afford no protection for the doing of such unauthorized business, but the probate judge could not be liable provided he collected the proper amount for the license which he was requested to issue, and did issue.

Yours very truly,

ROBERT C. BRICKELL,
Attorney General.

ASSESSMENT OF TAX TITLES.

October 6, 1913.

Hon. John S. Mooring, Chairman,
State Tax Commission,
Capitol.

Dear Sir:—

Your letter requesting me to advise you as to whether the holders of tax titles under subdivision 1 of section 2082 of the Code are entitled to assess such titles as a sort of special interest in the lands separable from the mineral, surface or fee simple title, received.

In reply I beg to advise you that anyone holding land under a tax title is no more entitled to a reduced assessment than one holding under a warranty deed.

Yours very truly,

ROBERT C. BRICKELL,
Attorney General.

COUNTY SEAT—REMOVAL OF.

Hon. Emmet O'Neal,
Governor,
Capitol.

October 6, 1913.

Dear Sir:—

I have investigated the questions presented upon the petition presented to you for the removal of the county seat of

Cherokee county from Centre to Cedar Bluff, and also the briefs filed by the attorneys, as requested by you.

The facts, about which there seems to be no dispute, are that on the morning of July 3, 1895, the court house of Cherokee county was destroyed by fire, and that thereafter the insurance company which had issued a policy insuring said court house against loss by fire, determined to exercise and did exercise its option contained in the policy to rebuild the court house, and that the court house was rebuilt by the insurance company under the option contained in the policy.

This of necessity, calls for a construction of section 175 of the Code, and especially of the exception providing that an election shall not be called "in those counties that have built new court houses within the past twenty years."

In construing this section, and especially the proviso, it is contended by the attorneys for those desiring the removal that under well-settled principles of law, as stated by Mr. Justice Storey, in the case of *U. S. v. Dickson*, 15 Peters 164, which principle has been followed by numerous courts including the Supreme Court of this State, that the party settling up the exception must show that their contention falls within the words as well as within the reason of the exception. On the other hand, it is contended by those opposed to the removal that the election by the insurance company to rebuild changes the relation from that of insurer to that of contractor, who has received the full consideration of his contract in advance, and therefore the matter stands as if the county of Cherokee had contracted with the insurance company to rebuild the court house, and they had so rebuilt it in the year 1896.

It is also contended by those desiring the removal that it cannot fall within the exception because there was no new or additional expenditure of the county's money to obtain the building, and to this, those opposing the removal reply that if the money had been paid over by the insurance company, and a court house rebuilt by the county with the money paid by the insurance company, the money so received by the county would have been the county's money, and its expenditure for rebuilding would have been an expenditure of the county's money, and it could make no difference from what source the county received the money which was expended, and that the election of the insurance company to rebuild was based upon

the consideration of the county's money which had theretofore been paid to it, and it could make no difference as to the amount of the county's money expended, the statute not requiring any certain sum to be expended.

After considering carefully the contentions of both parties, and the authorities cited by them, and after a careful investigation and consideration of the entire matter, I am of the opinion that under the facts stated the county of Cherokee is a county which has built a new court house within the past twenty years, and that therefore the petition for an election should be denied by you.

Yours very truly,
ROBERT C. BRICKELL,
Attorney General.

LIQUOR LICENSE—REFUND OF.

October 7, 1913.

Hon. C. B. Smith,
State Auditor,
Capitol.

Dear Sir:—

Your letter enclosing the petition of one Frank L. Allen, of Citronelle, for a refund of license under Section 2411-12 of the Code, and requesting me to advise you thereon, received.

From said petition it appears that said Allen was granted a license to sell liquor in the town of Citronelle on January 1st, 1913, but that his place of business was closed by a decree of the law and equity court of Mobile county on January 16, 1913, and that said decree was based upon the fact that the town of Citronelle was not a town in which the sale of liquor was authorized by the laws of this State.

The only authority under which this refund could possibly be made would be under section 2411 of the Code, which provides: "When any person has taken out and paid for a license to carry on any business in this State, and that afterwards has been prohibited by law from carrying on such business before the time named in the license has expired, etc."

From aught that appears from the bill or from the petition, and in fact from the averments of the bill or petition, it would appear that the business could not be carried on at the time the license was taken out, and that it was not a lawful business which was prohibited by law after the issuance of the license.

I am, therefore, of the opinion, and so advise you, that this application does not come within the provisions of section 2411 of the Code, and that you would not be authorized to draw your warrant for this refund.

Yours very truly,
ROBERT C. BRICKELL,
Attorney General.

POWER OF COUNTY TO BORROW MONEY.

October 8, 1913.

Hon. Chas. E. McCall,
Chief Examiner,
Capitol.

Dear Sir:—

Your letter enclosing letter of Hon. P. H. Pitts, Judge of Probate of Dallas county, and requesting me to advise you thereon, received.

The question upon which Judge Pitts desires to be advised is whether a county can borrow money for road purposes and pay interest thereon.

In *Simpson v. Lauderdale County*, 56 Ala. 64, it was decided by the Supreme Court that a county was without power to borrow money for the purpose of erecting bridges, and this case has since been cited with approval by the Supreme Court, and I have been unable to find any other expression from the Supreme Court of this State which tends to disapprove the proposition asserted in that case.

Section 5765 of the Code is a revision of the law as to the powers of the courts of county commissioners in reference to the superintendence of public roads. The provisions of the first portion of this section are identical with the provisions of section 2443 of the Code of 1886, which are:

"That courts of county commissioners of the several counties are invested with a general superintendence of public roads within their respective counties, and may establish new, or change or discontinue old roads in the manner hereinafter provided."

And this section is identical with section 1387 of the Code of 1886, section 1619 of the Code of 1876, section 1310 of the Code of 1876, and section 1129 of the Code of 1852.

No change was made in the language of this section of the Code of 1867, when the Code of 1872 was adopted, although at the time the decision in *Simpson v. Lauderdale County*, *supra*, had been announced by the Supreme Court, nor was any change made in the provisions of the Codes of 1886 and 1896, so if there is any change in the law upon this subject, we must look into the provisions of the Code of 1907, which are different from the previous Codes upon this subject. Section 5765 of the Code of 1907 is as follows:

"The courts of county commissioners of the several counties are invested with the general superintendence of the public roads within their respective counties, and may establish new, change or discontinue old roads, in the manner hereinafter provided, and shall improve and maintain the public roads, bridges and ferries of their respective counties, so as to render the travel over the same as safe and convenient and practicable; to this end they are given legislative, judicial and executive powers; they may establish, promulgate, and enforce new rules, regulations, and laws not inconsistent with the general and special laws of this State, which are necessary to make, improve and maintain a good system of public roads, bridges and ferries in their respective counties, and regulate the use thereof."

Bearing in mind the proposition that the county is without power to borrow money unless specifically authorized so to do, and the number of codifications of this section of the Code since the decision in *Simpson v. Lauderdale*, *supra*., it cannot be presumed that the legislature, if it had intended to confer upon the counties the power to borrow money for this purpose, would not have done so in plain, unmistakable terms.

What has it done by section 5765 of the Code of 1907? It has placed the duty upon the court of county commissioners to improve and maintain the roads so as to render travel safe and convenient, and for that purpose has given them legislative, judicial and executive powers, and provided that they may establish new rules and regulations not inconsistent with other laws of this State necessary to maintain and regulate the use of the roads, bridges and ferries of the county. But it has not by any language, unless it is by the language conferring upon them legislative, judicial and executive powers, in any manner conferred upon them the power to borrow money.

The words "legislative, judicial and executive powers" must be construed in connection with the other provisions of the section in which they are embraced, and can only be construed so as to more effectually carry out the powers granted, but cannot be construed so as to give them a power which the Supreme Court had theretofore decided they did not have, and which said section does not clearly grant.

I am, therefore, of the opinion that the court of county commissioners is without power to borrow money and to pay interest thereon.

Yours very truly,

ROBERT C. BRICKELL,
Attorney General.

FEES OF JUDGE OF COUNTY COURT.

October 8, 1913.

Hon. J. T. Gorman,
Examiner of Public Accounts,
Athens, Alabama.

Dear Sir:—

Replying to yours of the 6th inst., requesting me to advise you whether under section 6656 of the Code of 1907, the judge of the county court is entitled to a fee of \$3.00 in cases where warrants are issued by the clerk of the court or a justice of the peace, and jury trials are demanded, received.

The provisions of section 6656 provide for fees of the judge of the county court; where the warrant of arrest is issued by him and an appeal is taken, \$4.00; where the warrant is not

issued by him, "then for all services in each case, \$3.00;" where the warrant is issued by him and a jury demanded, \$2.00. In the case cited above the warrant was not issued by him, therefore, it cannot fall under either the first or second provision. It, therefore, must fall under the third provision, for which a fee of \$3.00 is provided.

I am, therefore, of the opinion, and so advise you, that in the instance cited by you, the judge of the county court is entitled to a fee of \$3.00.

Yours very truly,
ROBERT C. BRICKELL,
Attorney General.

**CLAIMS FOR EX-OFFICIO FEES MUST BE ITEMIZED
AND VERIFIED.**

October 9, 1913.

Hon. J. T. Gorman,
Examiner of Public Accounts,
Athens, Alabama.

Dear Sir:—

Your letter requesting me to advise you as to whether the officers of a county, especially the sheriff and the clerk, should be charged with ex-officio fees drawn by them where the same are not itemized, received.

In reply I beg to advise you that section 3703 of the Code requires all ex-officio claims of officer to be itemized and sworn to before they are allowed. There is a special provision as to clerks setting forth what the account for ex-officio services shall contain. This provision is found in section 3717 of the Code. There is also a similar provision as to sheriffs, in section 3722 of the Code. A claim for ex-officio services allowed and paid which is not in conformity with these provisions of the Code is improper and should not be allowed.

In answer to your question as to whether counties can borrow money for the road fund, and pay interest on the money borrowed, I beg to hand you herewith a copy of an opinion just rendered to Hon. Chas. E. McCall, Chief Examiner of Public Accounts, which disposes of this question.

Yours very truly,
ROBERT C. BRICKELL,
Attorney General.

GOVERNOR'S CONTINGENT FUND—USE OF.

October 9, 1913.

Hon. C. B. Smith,
State Auditor,
Capitol.

Dear Sir:—

Your letter requesting me to advise you as to whether you would be authorized to pay a bill for furniture bought for the executive mansion, and also for silverware and house furnishings bought for the executive mansion, out of the governor's contingent fund, the same having been authorized and approved by him, received.

It has been the uniform construction for a number of years that wherever this fund was used for any State purpose that such use was authorized, and that the use of the fund rested in the discretion of the governor, so long as it was used for a public and not a private purpose.

This use of the fund being for the purchase of property for the State, I am of the opinion that the exercise of the discretion by the governor is not reviewable, and, therefore, that you should draw your warrant upon the State treasurer in payment of these bills as a charge against the contingent fund.

Yours very truly,

ROBERT C. BRICKELL,
Attorney General.

CIRCUIT CLERK—FEES OF.

October 10, 1913.

Hon. Chas. E. McCall,
Chief Examiner of Public Accounts,
Capitol.

Dear Sir:—

Your letter requesting me to advise you whether the clerk of a court is authorized under the law to charge for a certificate on a witness ticket or on claims of officers for fees in cases where no conviction was had, by which certificate said claims became a charge against the fine and forfeiture fund of the county, received.

Under section 3713 of the Code it is provided that the clerk is entitled to a fee of 25 cents "for making each necessary certificate not otherwise provided." However, under section 6666 of the Code it is provided in reference to witness certificates "the clerk who issues the certificates hereinbefore mentioned shall not be entitled to demand or charge any fee for performing this duty." I have, however, been unable to find any provision in reference to the certificate issued to officers on their claims.

I am, therefore, of the opinion, and so advise you, that the clerk is not authorized to charge such fee for a certificate on the witness tickets, although he would be authorized to charge such fee for a certificate on officers' claims.

However, in this connection I deem it proper to call your attention to the fact that such charge against officers, if made, would be a charge against the officer, and under no circumstances a charge against the State, the county, or the fine and forfeiture fund.

Yours very truly,
ROBERT C. BRICKELL,
Attorney General.

**EDUCATIONAL APPROPRIATION CANNOT BE USED
SUCCEEDING YEAR.**

October 14, 1913.

Hon. J. T. Gorman,
Examiner of Public Accounts,
Athens, Alabama.

Dear Sir:—

I beg to acknowledge receipt of your letter of the 11th inst., requesting to be advised as to whether or not superintendents of education or county boards of education are liable to teachers where such county board of education, with the approval of the superintendent of education, contracts with teachers for salaries in excess of the appropriation for this purpose.

Replying to your question, I beg to advise you that it does not, in my opinion, present a proper question for the ruling of this department, but that it would be a claim, if any at all, in

favor of the teachers against the individual, and not a claim against the State or the appropriation.

I have heretofore advised you that the appropriation for the succeeding year cannot be used for the payment of such claims.

Yours very truly,

ROBERT C. BRICKELL,
Attorney General.

**PLAT BOOK—COMPENSATION OF ASSESSOR FOR.—CLERK
OF JURY COMMISSION—ELIGIBILITY OF.**

October 15, 1913.

Hon. J. T. Gorman,
Examiner of Public Accounts,
Athens, Alabama.

Dear Sir:—

Your letter of the 10th inst., requesting me to advise you as to whether the tax assessor is entitled to compensation for making a plat book under the provisions of section 2127 and 2132 of the Code, and for making a lot and land book under section 7 of the revenue law, Acts 1911, received.

In reply I beg to advise you that sections 6 and 7 of the revenue act of 1911 were intended to be in lieu of sections 2127, 2128 and 2132 of the Code, and that he is entitled only to compensation under the provisions of section 7 of the revenue act.

Answering your second question, "Can the clerk of the circuit court act as clerk of the jury commission?" I beg to advise you that section 5 of the act, establishing a jury commission, Acts Special Session, 1909, p. 305, it is provided that the clerk of the circuit court or a court of like jurisdiction may be employed as the clerk of the jury commission in counties having a population of 75,000 or less, but that said act clearly contemplates that in counties having over 75,000 population, the clerk of the circuit court shall not be clerk of the jury commission.

Yours very truly,

ROBERT C. BRICKELL,
Attorney General.

TAX LAND SOLD BY STATE—ASSESSMENT OF.

October 18, 1913.

Hon. C. B. Smith,
State Auditor,
Capitol.

Dear Sir:—

Your letter enclosing letter from Exchange Land Co., and requesting me to advise you thereon, received.

From their letter it appears that they purchased at a tax sale in Mobile county certain lands which were sold for the State and county taxes due upon them, and the question is whether or not these lands should be assessed by them for taxation for the current tax year.

While it is provided by section 2296 that they cannot receive the deeds to these lands for two years from the date of sale, it is also provided by section 2303 of the Code that they may, after the expiration of 6 months from the date of sale, maintain an action of ejectment or other action to gain possession of the lands purchased by them.

After examining this question in connection with the general tax laws of the State, I am of the opinion, and so advise you, that the lands so purchased by this company should be returned for assessment by and assessed to them for the current tax year.

Yours very truly,

ROBERT C. BRICKELL,
Attorney General.

TURPENTINE LEASES—TAXATION OF.

October 18, 1913.

Hon. John S. Mooring, Chairman,
State Tax Commission,
Capitol.

Dear Sir:—

Your letter requesting me to advise you as to whether a lease granting the right to take turpentine from lands is taxable, received.

In reply I beg to advise you that the Supreme Court of this State in *Ashe Carson Co. v. State*, 138 Ala. 108, decided that such leases were not taxable as real estate, but in this case did not pass upon the question as to whether or not they were taxable in any other manner. The Supreme Court of Mississippi in the case of *Hancock v. Imperial Naval Stores Co.*, 93 Miss. 822, reached a similar conclusion under the statutes of that state, but in *Jones v. Adams*, 61 Southern Rep. 420, that court—the Supreme Court of Mississippi—held that such leases were taxable as personal property, included in the provisions of their Code as property not otherwise mentioned.

After considering these cases in connection with the provisions of subdivision 14 of section 2082 of the Code of Alabama, which provides that “all other property, real and personal, not otherwise specified herein, including cotton, pig iron, manufactured goods, and other things of value are subject to taxation,” I am of the opinion, and so advise you, that such leases should be taxed in this State as personal property.

Yours very truly,

ROBERT C. BRICKELL,
Attorney General.

TRANSFER OF REGISTERED BONDS.

October 20, 1913.

Hon. John Purifoy,
State Treasurer,
Capitol.

Dear Sir:—

Your letter enclosing letter of Messrs. A. C. & H. R. Howze, and requesting me to advise you thereon, received.

From their letter it would appear that one Dr. Andrew Williams died owning a number of registered bonds of this State, and that he owed no debts, and his estate has been divided among his children, all of whom are of age, without an administration, and they desire to have these bonds transferred to the several heirs.

While this arrangement is allright so far as the parties themselves are concerned, I know of no authority for you, as State

Treasurer, to take upon yourself the determination as to who are the heirs, or as to the fact that there are no debts, and in order to properly protect yourself, I would insist upon the appointment of an administrator before making any transfer of the bonds.

Yours very truly,
ROBERT C. BRICKELL,
Attorney General.

LICENSES—ITINERANT DEALER.

October 21, 1913.

Hon. John S. Mooring,
State Tax Commission,
Capitol.

Dear Sir:—

Your letter requesting me to advise you—first, if a license taken out in any one county under subdivision 52 of section 2361 of the Code authorizes the holder to carry on the business of itinerant trader in other counties of the State without the payment of additional license for State or county; and second, if a license when taken out by a firm authorizes any one of the employes to carry on the business covered by the license, received.

In reply I beg to advise you that there is no exception in the section providing that a license in one county should authorize the doing of business in the other counties of the State, and therefore, I am of the opinion that such license both for State and county should be taken out in each county in which any business is done.

Answering your second question, I beg to advise you that, in my opinion, the license tax imposed upon the person engaged as such transient or itinerant dealer or trader, regardless of whether he is trading for himself or as an employee of another, or as one of a firm, and that the license should be paid by each person so trading or dealing.

Yours very truly,
ROBERT C. BRICKELL,
Attorney General.

**TAX COMMISSION—SALARIES OF MEMBERS AND
SECRETARY.**

October 23, 1913.

Hon. John S. Mooring, Chairman,
State Tax Commission,
Capitol.

Dear Sir:—

Your letter requesting me to advise you upon certain matters therein referred to, received.

The first question upon which you desire to be advised is, "If the salaries of the commission and its secretary as provided in section 2216-18 of the Code are to be charged against the appropriation of \$25,000 provided for in section 2222 of the Code."

In reply I beg to advise you that these salaries, being provided for in the same appropriation provided for the payment of salaries of all State officials, are not charges against the appropriation of \$25,000.

Your second question is, "If the amount of \$3,000, \$1,000, and \$5,000, provided in section 2218-20, are to be charged against the annual appropriation made by section 2222 of the Code?"

In reply I beg to advise you that such amounts are to be charged against the appropriation of \$25,000 made in section 2222 of the Code. But in this connection you will observe that the limitation of \$3,000 for expert services imposed by section 2218 of the Code is removed by the act amending said section. —Acts 1911, p. 550.

Your third question is whether the members of the commission should receive their actual expenses while in Montgomery on the business of the commission. I have heretofore advised your predecessor in office that the members of the commission are not entitled to be paid their expenses while in Montgomery, and I see no reason to change the opinion heretofore given.

Yours very truly,

ROBERT C. BRICKELL,
Attorney General.

FIRE MARSHAL TAX—DEDUCTION FROM.

Hon. Cyrus B. Brown,
Insurance Commissioner,
Capitol.

October 23, 1913.

Dear Sir:—

Your letter requesting me to advise you if, under act approved August 31st, 1909, and amended April 22, 1911, it is proper for you to require all fire insurance companies doing business in the State of Alabama, to pay $1/5$ of one per cent. tax on all premiums less return premiums, or should companies be allowed to deduct their re-insured premiums in making settlement of this particular tax, received.

An examination of the act imposing the tax of $1/5$ of one per cent. on gross premium receipts known as the fire marshal tax, shows that the only deduction provided for in that act is a deduction for return premiums, while an examination of the acts providing for the general tax of $1\frac{1}{2}\%$ allows the deduction for return premiums, and also a deduction for re-insurance taken in companies authorized to do business in this State.

If it had been the intention of the legislature to allow a deduction for re-insurance such as is allowed from the tax of $1\frac{1}{2}\%$, it would certainly have so provided, but having provided for the deduction in one instance, and not provided for it in the other, it is clear that the legislature did not intend such deduction to be allowed in the instance in which it failed to provide therefor.

I am, therefore, of the opinion, and so advise you, that you should make no deduction for re-insurance, but only for return premiums.

Yours very truly,

ROBERT C. BRICKELL,
Attorney General.

TAX DEED—CORRECTION OF.

Hon. C. B. Smith,
State Auditor,
Capitol.

November 3, 1913.

Dear Sir:—

Your letter enclosing letter of Mr. O. B. Clarke, requesting that you make a new deed to him for the S. W. $\frac{1}{4}$ of section

11, and the N. W. $\frac{1}{4}$ of section 14, T. 5, R. 13, West, in Colbert county, received.

From his letter it appears that on December 13, 1902, the State auditor sold these two quarter sections to Martin Gauldin, but that in making said deed there was an error in that the State auditor conveyed the S. W. $\frac{1}{4}$ of section 14, and the N. W. $\frac{1}{4}$ of section 14.

A somewhat similar question to this was passed upon by my predecessor in office in an opinion given to your predecessor on May 6, 1908, in which it was held that it was the duty of the auditor to execute a new deed in place of a deed executed by one of his predecessors on May 6, 1890, which deed was void for the want of an acknowledgment.

Applying the reasoning therein contained to the question now presented, it would appear that where the records of your office show clearly that such error was committed by your predecessor, you have authority to correct the same.

I am, therefore, of the opinion, and so advise you, that you should execute a new deed to Martin Gauldin, conveying the land by its proper description, and reciting in the conveyance that it is made to correct the error made in the description of said land in the deed of your predecessor.

Yours very truly,

ROBERT C. BRICKELL,
Attorney General.

BURIAL ASSOCIATIONS—CONTRACTS OF.

November 6, 1913.

Hon. Cyrus B. Brown,
Insurance Commissioner,
Capitol.

Dear Sir:—

I beg to acknowledge receipt of your favor of the 28th ult., in which you request to be advised as to whether or not a corporation organized for the purpose of carrying on a general undertaking business may issue burial certificates or contracts for the burial of persons at their death, and receive therefor monthly payments thereon until the death of the holder of the certificate.

You enclose copy of the contract which the corporation proposes to issue, and request to be advised whether such corporation would be required to comply with section 3564 of the Code of Alabama, as amended by the act of August 9th, 1907, which act relates to mutual aid insurance companies.

Answering your question, I beg to advise you:

1st. That in my opinion the contracts which this company proposes to write amounts to an insurance contract, and cannot be authorized under the declaration of incorporation, which authorizes the general undertaking business. In other words, it is my opinion that the undertaking company cannot engage in an insurance business of this nature.

2nd. I wish to further advise you that the issuance of such contracts by the corporation, even if authorized to write them, would render the corporation a mutual aid company, and liable to the acts of the legislature above referred to.

I return herewith the papers handed me in this matter.

Yours very truly,

ROBERT C. BRICKELL,
Attorney General.

CIRCUIT CLERKS—FEES OF.

November 11, 1913.

Hon. Chas. L. Townes,
Union Springs, Alabama,
Dear Sir:—

In reply to your favor of the 10th inst., asking if the clerk of the circuit court has authority to issue subpoenas for the appearance of witnesses before the grand jury and to charge a fee for so doing, I beg to advise you that under section 6294 of the Code is found the authority for such issuance. Under section 6635 of the Code, the clerk is allowed a fee of twenty-five cents for "each subpoena issued," and under section 6636 provision is made for the payment of this fee, among others.

I do not think the law intended to authorize the clerk to issue subpoenas for the appearance of witnesses before the grand jury except upon the application of the latter. Its investigations are peculiarly within its own knowledge, and the clerk

for his information must look to the grand jury. As the rule of costs and fees must be strictly construed, and as the officer claiming the fee must point to some express provision of law for the support of his claim, I do not think the clerk entitled to a fee for issuing a subpoena except upon the application of the grand jury.

Yours very truly,

WM. L. MARTIN,
Assistant Attorney General.

MILITARY FUNDS—EXPENDITURE OF.

November 11, 1913.

Hon. Emmet O'Neal,
Governor,
Capitol.

Dear Sir:—

I am returning herewith communication from the Adjutant General relative to the payment of Company M, 1st Infantry, for service performed during the visit of the President to Mobile on October 27th, with the information that I do not think that section 46 of an act "to regulate and provide for the volunteer military forces of the State of Alabama," provides for the payment for such service. That section authorizes compensation for officers and enlisted men when "ordered into the service of the State to aid in the enforcement of the laws thereof." Under section 278 of the Constitution they are entitled to compensation only when in active service.

The service of the militia upon the visit of the President was not for the enforcement of the law, but for the safety of the chief magistrate of the nation.

Yours very truly,

WM. L. MARTIN,
Assistant Attorney General.

TAX AGENT—PAYMENT OF.

November 22, 1913.

Hon. C. B. Smith,
State Auditor,
Capitol.

Dear Sir:—

Your letter enclosing warrant drawn by the board of revenue of Jefferson county on the county treasurer of said county, in favor of Ivey F. Lewis for \$42.37, and requesting me to advise you whether the county treasurer has authority to pay the same, received.

From your letter and the papers accompanying it, it appears that Mr. Lewis was employed by you as, State auditor, with the approval of the governor, under section 2335 of the Code, to investigate the sales of real estate for taxes and bid in for the State to secure the redemption or sale of such property, and that his compensation was fixed by you under the provisions of section 2336 of the Code at 10% of the proceeds arising from the sale or redemption of any such property, and that this warrant is for 10% of money received by Jefferson county from property redeemed by it through his efforts from the probate judge of Jefferson county, and which was paid over by such judge of probate to the treasurer of Jefferson county.

Section 2336 of the Code provides:

“The auditor may allow fair compensation, which shall not exceed 10% of the proceeds from such sale or redemption, which shall be paid from the funds so received.”

From the statements and from the face of the warrant it appears that the county's part of the proceeds of such redemption were paid into the county treasury without deducting such 10% to which Mr. Lewis was entitled under the contract made with you under the provisions of section 2335, and I am, therefore, of the opinion, and so advise you, that the county treasurer should pay such warrant.

I return herewith warrant and others papers enclosed.

Yours very truly,

ROBERT C. BRICKELL,
Attorney General.

COUNTY FUNDS—PAYMENT OF INTEREST OUT OF.

November 25, 1913.

Hon. Emmet O'Neal,
Governor,
Capitol.

Dear Sir:—

Your letter enclosing letter of J. M. Yates, county treasurer of Randolph county, and requesting me to advise you thereon, received.

From the letter of Mr. Yates it appears that a former probate judge of Randolph county loaned the county some money on which they agreed to pay him interest, and did pay him interest, but that upon the report of the examiner it was charged back to the probate judge and by him paid into the county treasury, but that the court of county commissioners have now drawn their warrant in his favor to repay him this interest, and the treasurer desires to know whether he should pay such warrant.

In reply I beg to advise you that the treasurer should not pay this warrant.

Yours very truly,
ROBERT C. BRICKELL,
Attorney General.

TAX PAYER—DEMAND UPON BY TAX ASSESSOR.

December 4, 1913.

Hon. Chas. E. McCall,
Chief Examiner of Public Accounts,
Butler, Alabama.

Dear Sir:—

Yours enclosing letter from the tax assessor of Choctaw county, received.

You enclose me copy of a postal which the tax assessor proposes to send to the tax payers who are delinquent in making their assessments under the provisions of 2117 of the Code, and you desire me to advise you whether this notice sent to the delinquent tax payer would be a sufficient compliance with

section 2117 of the Code, and render the property of the tax payer liable to the additional assessment of 10% provided for by that section.

The provisions of said section require the tax assessor when he has failed to procure upon verbal order or written demand from any delinquent the tax of assessable property before the first Monday in February, to ascertain the value of the property and add 10% thereto as a penalty for non-assessment.

You will notice that the language of the statute is upon verbal or written demand, and that there is no requirement that the demand be made personally by the tax assessor. The legislature, in view of the practical impossibility of the assessor's seeing and making this demand personally upon each delinquent, omitted such provision from the statute, and I am, therefore, of the opinion, and so advise you, that a demand such as that enclosed in your letter, when properly addressed and deposited in the mail would be a sufficient compliance with the statute, and would render the delinquent's property subject to the penalty provided by section 2117 of the Code.

Yours very truly,

ROBERT C. BRICKELL,
Attorney General.

EMPLOYMENT OF COUNSEL BY BOARD OF REVENUE

December 4, 1913.

Hon. W. R. Foster,
Examiner of Public Accounts,
Columbiana, Ala.

Dear Sir:—

Your letter requesting me to advise you if the board of revenue of Shelby county has authority to employ counsel on a salary, received.

In reply I beg to advise you that they have no authority to employ counsel on a salary, but they have authority to employ counsel to advise them upon matters or in causes where no officer is directed by law to represent the county in such matters or causes, and that they have authority to pay counsel for the services so rendered by them.

It, therefore, follows that a warrant issued to pay counsel for advice or services rendered, in matters where the statute imposes no such duty upon any officer, would be a valid claim against the county funds, and should be paid by the county treasurer, and the fact that the board of revenue retained some person to advise them, and paid him therefor in regular installments would not render warrants issued for his payment invalid.

Yours very truly,

ROBERT C. BRICKELL,
Attorney General.

**TAX COMMISSION AND TAX COMMISSIONERS NOT
CHARGED WITH ANY DUTY UNDER SMITH
REGULATION BILL.**

December 5, 1913.

Hon. John S. Mooring, Chairman,
State Tax Commission,
Capitol.

Dear Sir:--

Your letter of the 4th inst., in reference to the right of the tax commissioner of Jefferson county to a penalty of 10% upon certain licenses issued after February 1st, to certain parties who had been granted a license by the excise commission of Jefferson county, and requesting me to advise you thereon, received.

Ordinarily the general provision of the law upon this subject are such that I would content myself by simply citing you thereto, but as this question involves the authority of the excise commission of Jefferson county to permit the payment of licenses otherwise than as required by the general provisions of the law, I think it proper to advise you thereon somewhat fully.

A careful examination of the act known as the Smith bill authorizing the sale of liquors and creating the excise commission for certain purposes, among them being the power to decide who shall be granted licenses to sell liquor, clearly evidences that it was not only the purpose of the legislature to

lift the entire matter of licenses for this character of business entirely beyond the jurisdiction of the ordinary revenue laws, but to place the matter of the sale of liquors upon an entirely different basis.

After an examination of these laws I am clearly of the opinion that the excise commission has no right whatsoever under any circumstances to grant any permission to defer the payment of licenses, and I am further of the opinion that anyone, even though the excise commission has ordered a license issued to them, who sells liquor without the actual issuance of said license and payment in full therefor, is guilty of selling liquors in violation of the law.

And I am further of the opinion, and so advise you, that this character of license is not intended to, in any manner, be subject to the jurisdiction of the taxing department as are other licenses.

It therefore, follows that the tax commissioner of Jefferson county cannot be entitled to any commissions in this matter, and that your department is charged with no duty in reference to the Smith bill.

Yours very truly,
ROBERT C. BRICKELL,
Attorney General.

**STATE PENSION BOARD—AUTHORITY TO STRIKE
PENSIONERS FROM ROLL.**

December 17, 1913.

Hon. C. B. Smith,
State Auditor,
Capitol.

Dear Sir:—

Your letter of the 13th inst., in reference to the instructions received by you from the State board of examiners of pensions to strike from the pension roll the names of certain pensioners, and requesting me to advise you whether the State board of examiners of pensions has authority to order said names stricken from said pension roll unless the same has been acted upon and recommended by the county board, received.

After having carefully examined the entire pension law I am of the opinion that your duties under the pension law are purely ministerial, and involve the exercise of no discretion upon your part as State auditor. You receive your instructions from the State board of examiners of pensions, and no authority is conferred upon you as State auditor to in any manner revise their actions, and the question as to whether or not they are acting within the scope of the authority vested in them is one for their determination, and if they have determined that they have authority to act in any manner with reference to the pension roll either by adding thereto or striking therefrom, your duty is simply to draw your warrants as State auditor upon the State treasurer in accordance with the roll of pensioners as the same is prepared or revised by the State board of examiners of pensions, and no duty is imposed by law upon you to revise or determine the validity of their actions in reference to the roll.

I am, therefore, of the opinion, and so advise you, that you should obey the orders of the State board of examiners of pensions, and strike from or add to such roll as instructed by them, and that if their action in striking from the roll the name of any pensioner is improper, the party whose name is so stricken has his proper remedy through the courts.

Yours very truly,

ROBERT C. BRICKELL,
Attorney General.

**LIGHTING COMPANIES—LIABLE FOR LICENSE IN EACH
MUNICIPALITY.**

January 2, 1914.

Hon. John S. Mooring, Chairman,
State Tax Commission,
Capitol.

Dear Sir:—

Your letter inquiring in reference to the liability of an electric light, street railway, and other companies mentioned in subdivision 35 of section 2361 of the Code, for licenses in the different municipalities through, or in which such companies

operate, although they have paid the license required in one of the municipalities, received.

In reply I beg to advise you that such companies would be required to take out a license for each municipality in which they operate.

Yours very truly,
ROBERT C. BRICKELL,
Attorney General.

**COMPOUNDING OR RECTIFYING OF LIQUORS
PROHIBITED.**

January 16, 1914.

Hon. C. B. Smith,
State Auditor,
Capitol.

Dear Sir:—

Your letter requesting me to inform you as to the license upon wholesale liquor dealers who are also engaged in the business of rectifying and whether or not such license was included as a part of the Smith bill, and whose duty it is to enforce the collection of the same, received.

Section 19 of the revenue act of 1911 provides for a license upon compounders and rectifiers of liquors provided, "such business is now or may hereafter be authorized by law."

At the time of the enactment of the revenue bill, to-wit, March 31, 1911, the manufacture or sale of liquor in any form whatsoever was prohibited in this State, so that if there is any authorization whatsoever for the business of compounding and rectifying, it is under the provisions of the act approved April 6th, 1911, known as the Smith bill.

An examination of that bill shows that there is no provision therein for the license of rectifiers and compounders, but on the contrary it is provided by section 26 of the Smith bill what liquors may be sold in Alabama, setting out with particularity just what liquors may be sold, and ending with the provision, "provided further that the sale of all forms of fabricated, imitation or adulterated, spirituous, vinous or male liquors is strictly prohibited, even though they be properly labelled."

Construing the provisions of section 26 of the Smith bill in connection with the provisions of section 19 of the revenue bill, it clearly appears that it was the purpose of the legislature by the enactment of the Smith bill to prohibit the rectifying or adulterating of liquors in this State.

I am, therefore, of the opinion, and so advise you, that section 19 of the revenue bill is inoperative, and that the business of compounding or rectifying liquors in this state is prohibited by law.

Yours very truly,
ROBERT C. BRICKELL,
Attorney General.

**STATE AUDITOR—NO AUTHORITY TO RESTORE PENSION-
ERS STRICKEN BY STATE BOARD OF EXAM-
INERS OF PENSIONS.**

January 16, 1914.

Hon. C. B. Smith,
State Auditor,
Capitol.

Dear Sir:—

Your letter enclosing papers served upon you by the judge of probate of Bullock county demanding a reinstatement under section 35 of the pension laws, of certain parties who have been stricken therefrom by order of the State board of pension examiners, received.

An examination of that section shows that it provides for the reinstatement of pensioners who have been paid a pension, and who are still entitled to a pension, but whose names, through mistake, omission or inadvertance have been dropped from or left off the roll of pensioners.

From the papers presented it appears affirmatively that these parties were not left off the pension rolls through mistake, omission or inadvertance, but by direct order of the State board of pension examiners.

I am, therefore, of the opinion, and so advise you, that you have no authority to reinstate them upon the pension rolls

or draw warrants in their favor for the pensions claimed by them.

Yours very truly,
ROBERT C. BRICKELL,
Attorney General.

VOTERS—QUALIFICATIONS OF.

Hon. C. B. Smith,
State Auditor,
Capitol.

January 17, 1913.

Dear Sir:—

Your letter enclosing letter of Hon. W. W. Brandon, judge of probate of Tuscaloosa county, and requesting me to advise you thereon, received.

The questions submitted by Judge Brandon being generally whether or not a person who would be qualified to vote in the general election in the fall would be entitled to vote in the primary election in the spring, and particularly:

“1st. Will a young man who becomes of age between the primary in the spring and the general election in the fall, and who has not paid his first poll tax, be entitled to vote in the primary election?

2nd. Will a man, who will acquire his two years' residence in the State between the primary and the general election, be entitled to vote in the primary election?

3rd. Will a citizen of Alabama, who has paid all of his poll tax, but who will not have lived in the county one year until after the primary, but before the general election, be entitled to participate in the primary?”

Since by the adoption of the act approved April 14, 1911, (Acts 1911, p. 421), primary elections are subject to regulations by the law of the State, we must look to that act to determine who are qualified in such primary elections.

The provisions of the act as to who are qualified voters in such elections are found in section 9 of said act, which is as follows:

"All persons who are qualified electors under the general election laws of the State shall have the right to participate in such primary elections, subject to such political or other qualifications as may be prescribed by the State executive committee or governing body of such political party. The State executive committee may delegate to the several county executive committees the power to prescribe the qualifications of voters in any primary election for the nomination of county officers, provided that all those persons who at the time of holding such primary election are under the age of twenty-one years, but will be over the age of twenty-one years on or before the holding of the next general election succeeding said primary and could qualify as voters at the such succeeding general election and who possess the other qualifications required by the State executive committee or governing body, and who have been residents of the county holding such primary for more than twelve months preceding same, may, upon proper sworn evidence of all such facts presented to the inspectors on the day of the elections, be allowed to participate in such primary election."

It will be observed that by the provisions of that section provision is made authorizing a young man under twenty-one years of age at the time of the primary election but will be over 21 years at the general election to vote in such primary, provided he has been a resident of the county for 12 months preceding the date of holding the primary election. The question of the payment of poll tax by a young man so situated is immaterial as under the circumstances stated he would not be due a poll tax at the time of the primary, although he might be due a poll tax in order to qualify to vote at the election.

It will be noted that a provision of section 9 is:

"All persons who are qualified electors under the general election laws of the State shall have the right to participate in such primary subject to such political or other qualifications as may be prescribed by the State executive committee or governing body of such political party."

The class of persons embraced in the second and third questions would not at the time of the holding of the primary be qualified electors under the general election laws of the State, and therefore would not be entitled to participate in said primary unless some provision for their participation similar to that made for the participation of those falling under the class embraced in the first question was made by the primary election law. And no such provision having been made by that law, but only provision for those of the class embraced in the first question, it must follow that the legislative mind was directed to the making of exceptions; and exceptions having been made in one instance and not in the other, although it might seem that the same policy applying to the one exception would also apply to the other, there is no authority to make the exception which the legislature did not make, and which is impliedly, if not expressly, provided should not exist. It, therefore, follows that the second and third questions should be answered in the negative.

In answer to the general question as to whether or not a person who would be qualified to vote in the general election in the fall would be entitled to vote in the primary election in the spring, it follows from what has been above stated that such person would not be entitled to vote unless falling within the exemption contained in section 9 of the act, to which reference has heretofore been made.

Yours very truly,
ROBERT C. BRICKELL,
Attorney General.

**STATE HIGHWAY APPROPRIATIONS—UNUSED PORTION
OF FUNDS.**

January 20, 1914.

Hon. Robert E. Spraggins, Chairman,
State Highway Commission,
Capitol.

Dear Sir:—

Your letter requesting me to advise you as to the disposition of moneys not used by the county within the two years,

but which have been paid over to the county treasurer, received.

"Will you kindly advise me if balances held by county treasurers, which are credited to the State highway fund in such counties and the time limit, two years, having expired, shall be returned to the State by such treasurers, and if so, to whom shall the county treasurer's warrant be made payable?"

By section 10 of the act creating the highway commission, it is provided:

"Should any portion of the money be appropriated for the benefit of any county not be used by said county during the current year for which the same was appropriated, such sum of money shall remain in the State treasury for the future use and benefit of the said county, provided that all sums of money so appropriated and not used by any such county for a period of two years, shall revert to and become a part of the general fund for the improvement of the State highways of Alabama, and shall be in addition to the annual appropriation made therefor."

It thus appears that such unused portion of the money appropriated and paid over to the county belongs to the general fund for the improvement of the State highways, and that each county is entitled to its proportionate part thereof, and in order that this provision of the law be effected, it is necessary that such money be returned by the county treasurers to the State treasurer for the credit of the general highway fund; otherwise the proportionment provided for by that portion of the act above quoted could not be had.

Further answering your question, I am of the opinion, and so advise you, that such warrants should be made payable to the State treasurer.

Yours very truly,
ROBERT C. BRICKELL,
Attorney General.

CONVICTED FELON—POLL TAX OF.

January 20, 1914.

Hon. C. B. Smith,
State Auditor,
Capitol.

Dear Sir:—

Your letter enclosing letter from Hon. J. M. Folsom, tax collector of Coffee county, and requesting me to advise you thereon, received.

The question submitted by him is: "If a man has been convicted and confined in the State prison for a felony and has served his time and his citizenship has been restored, will he owe poll tax for the time he was in prison, or will he owe it from the time he was restored?"

I can find no authority which would relieve a person so situated from the payment of the poll tax during the time he was in prison, or which would suspend the operation of the poll tax provisions of the constitution during such period. The pardon simply operates to remove a disability, to-wit: the forfeiture of citizenship by conviction, but has no effect whatsoever upon the poll tax provisions of the constitution.

I am, therefore, of the opinion, and so advise you, that a person so situated must pay all poll tax due by him, or which would have been due by him in case he had not been convicted.

Yours very truly,
ROBERT C. BRICKELL,
Attorney General.

STATE TAX COMMISSION—STATIONERY FOR.

January 26, 1914.

Hon. John S. Mooring, Chairman,
State Tax Commission,
Capitol.

Dear Sir:—

Your letter requesting me to advise you whether the Secretary of State was required to furnish stationery to the State

tax commission under subdivision 8 of section 573 of the Code or whether the same should be furnished by the commission out of the appropriation made by section 2219 of the Code, received.

After considering these two sections, I am of the opinion that under section 2219 of the Code the tax commission is required to pay for all such books and stationery out of the money appropriated by that section, and that the secretary of State is without authority to purchase such books and stationery for that department.

Yours very truly,
ROBERT C. BRICKELL,
Attorney General.

**STATE HIGHWAY APPROPRIATION—UNUSED PORTION
OF FUNDS.**

January 28, 1914.

Hon. Robert E. Spraggins,
State Highway Commission,
Capitol.

Dear Sir:—

Your letter requesting me to advise you whether the unused appropriation for the years 1911 and 1912 for State aid in the construction of highways by the counties of the State, which is added to the regular appropriation for the year 1914, must be used during the year 1914, or would it be available during the year 1915, received.

By section 5 of the act creating the highway commission the sum of \$2,000 for each county in the State is appropriated for building State highways, and by section 10 of said act, it is provided that any unused portion of the appropriation for any county shall revert to the general fund after two years and be apportioned to the several counties, as an addition to their appropriation of \$2,000 for that year.

It would thus appear that the appropriation for the year 1914 is not only the \$2,000 appropriated by section 5 of the act, but that portion of the appropriation for the years 1911 and 1912 which has not been used in accordance with the

provisions of section 10 of the act, and which becomes, by the provisions of the section, an addition to the appropriation for the year 1914, and that, therefore, the appropriation for 1914 to each county is the \$2,000 appropriated by section 5 of the act, and its proportion of the unused money as provided in section 10 of the act, and that by section 10 of the act, the counties of the State have two years in which to use the entire amount of the appropriation for 1914.

Yours very truly,

ROBERT C. BRICKELL,
Attorney General.

BREWERY—AGENCY FOR.

January 31, 1914.

Hon. Emmet O'Neal,
Governor,
Capitol.

Dear Sir:—

Your letter enclosing letters and correspondence between the Henderson Brewing Company and the excise commission of Mobile, and requesting me to advise you thereon, received.

The proposition upon which my advice is desired is as to whether a brewery of another state, having secured a license for an agency in one city in Alabama, may establish agencies in other cities in which the sale of liquors is authorized, without taking out a license in such city.

The construction of the provision of the Smith bill in reference to the agencies of breweries of other states has been several times considered by this office; the provisions so far as applicable, being:

“Each agency of a brewery of another state, doing business in this State shall pay an annual license tax of \$1,500.00, and any person, whether retail dealer or not, selling the goods or products of any brewery of another state, shall be deemed and held an agent thereof, unless such brewery shall have an established agency in this State.”

On August 19th, 1911, I advised you, at the request of the Mobile excise commission, that the license issued under the provision of the Smith bill above quoted was not a license to a foreign brewery corporation, but to A. B., to conduct an agency for such brewery.

The same line of reasoning which lead to the conclusion stated in the opinion above referred to, which opinion will be found on p. 160 of my last biennial report, would lead to the conclusion that any person purporting to conduct, or who attempted to conduct an agency for the sale of the products of any foreign brewery must have the agency license provided for under the laws of the Smith bill above referred to.

The only reasonable construction, therefore, which could be placed upon the above quoted provisions of the Smith bill is that each agency of a foreign brewery must be licensed, and that a brewery may have as many agencies as it sees fit and proper, but must have at least one licensed agency, in order that a sale of its products may regularly be made in this State.

I am, therefore, of the opinion, and so advise you, that before the brewing company referred to in the enclosed correspondence, which is herewith returned, could establish an agency in the city of Mobile, the person who is to conduct such agency would be required to obtain a license authorizing the same from the excise commission of Mobile.

Yours very truly

ROBERT C. BRICKELL,
Attorney General.

CONVICTS—CUMULATIVE SENTENCES OF.

February 3, 1914.

Hon. Hartwell Douglass, President,
Convict Bureau,
Capitol.

Dear Sir:—

Your communication enclosing letter from the auditor of the Sloss-Sheffield Steel & Iron Company, in reference to the case of a convict sentenced from Talladega county in two cases, one case for two years, with an additional sentence of 112 days for

costs, and in the other case for two years, with a sentence of 88 days for costs, making a total of four years and 200 days, received.

It is clear from an examination of the Code that so much of the sentence as exceeds two years for the fine and 15 months for the costs is imposed in violation of the express command of the statutes. However, the punishment being an authorized punishment, and the only violation of the statute being in the place of punishment, I do not believe the sentence in either case to be void, merely a voidable sentence which could be taken advantage of by the convict on habeas corpus or some other proper remedy, and unless such action is taken by the convict, and his release ordered by some court of competent jurisdiction, I do not believe the hirer of the convict would be justified in releasing him, except upon the completion of the service of the sentences imposed by the court.

Yours very truly,

ROBERT C. BRICKELL,
Attorney General.

REFUND OF CORPORATION LICENSES.

February 3, 1914.

Hon. C. B. Smith,
State Auditor,
Capitol.

Dear Sir:—

Your letter requesting me to write you stating the effect of the recent opinion of the Supreme Court in regard to a corporation franchise taxes, received.

The decision to which you refer is the decision in the matter of the Bigbee Fertilizer Company against you, as State auditor.

This was a mandamus to compel you, as State auditor, to draw your warrant on the State treasurer, to refund to the Bigbee Fertilizer Company certain taxes paid by them under the revenue law of 1907, for which it was contended they were not liable under the decision of the Supreme Court of Alabama in the case of Cinnabee Cotton Mills.

However, the decision in no wise affects any law now in existence, or the collection of any license, privilege, or franchise tax, which is being called under the laws as they now exist.

Yours very truly,
ROBERT C. BRICKELL,
Attorney General.

OPTICIAN—LIABLE FOR LICENSE TAX.

February 3, 1914.

Hon. John S. Mooring, Chairman,
State Tax Commission,
Capitol.

Dear Sir:—

Your letter requesting me to advise you whether an optician who collects for his services upon the sale of glasses is liable for the tax imposed by section 33½ of the revenue bill of 1911, received.

In reply I beg to advise you that, in my opinion, such an optician is liable for the tax.

Yours very truly,
ROBERT C. BRICKELL,
Attorney General.

GAME AND FISH WARDEN—COMPENSATION OF.

February 7, 1914.

Hon. John H. Wallace, Jr.,
State Game & Fish Commissioner,
Capitol.

Dear Sir:—

Your letter requesting me to advise you upon the communication received by you from Col. E. H. Graves, game warden of Barbour county, received.

From the letter of Col. Graves it appears that certain parties were convicted of violation of the game law in Barbour county,

and upon application to the governor he remitted one-half of the fines assessed against them, and Col. Graves desires to be informed whether he is entitled to one-half of the fine assessed by the court, or one-half of the fine as remitted by the governor, the question thus being as to whether the half remitted by the governor simply operated to reduce the amount of fine.

After a thorough examination of the statutes, I am of the opinion that the action of the governor simply operated as a reduction of the amount of fine, and that, therefore, Col. Graves, as game warden of Barbour county, would be entitled to one-half of the fine collected by the clerk of the court.

Yours very truly,

ROBERT C. BRICKELL,
Attorney General.

PRIMARY ELECTIONS—EXPENSES OF.

February 10, 1914.

Hon. Cyrus B. Brown,
Secretary of State,
Capitol.

Dear Sir:—

Your letter enclosing letter of Hon. J. P. Stiles, judge of probate of Jefferson county, and requesting me to advise you thereon, received.

The question upon which Judge Stiles desires to be advised is whether or not the counties of Alabama have authority or are required to pay the expenses of two primary elections called in their respective counties for the nomination of candidates for office.

An examination of the act entitled "An act to regulate primary elections in Alabama," Acts 1911, p. 421, and especially section 5 of said act, shows that it was not the contemplation of the legislature that more than one primary would be held for the purpose of nominating a candidate for any office.

I am, therefore, of the opinion, and so advise you, that the county would be only authorized to pay the expenses of one primary.

**APPROPRIATIONS BY COUNTY FOR RURAL SCHOOL
LIBRARIES.**

February 20, 1914.

Hon. Wm. F. Feagin,
Superintendent of Education,
Capitol.

Dear Sir:—

I beg to acknowledge receipt of your letter of the 19th inst., enclosing letter of the county superintendent of education of Jefferson county, in which a question is raised as to the authority of the county board of revenue to appropriate money under the act to provide for the establishment of libraries in rural towns and villages of Alabama, etc., approved April 13, 1911. (Acts 1911, p. 391.)

The question presented in the letter accompanying your request for an opinion raises the question as to whether or not the county board of revenue, or court of county commissioners, as the case may be, is limited under the terms of this act to an appropriation of the same amount subscribed by patrons of the school. I have made an investigation of this act and am unable to find any limitations upon the maximum amount which county boards of revenue are authorized to appropriate. The only limitation on such board being that if they appropriate anything at all, it shall be not less than \$10.00.

I herewith return the letter accompanying your request.

Yours very truly,

WM. L. MARTIN,
Assistant Attorney General.

SOLICITOR'S FEES—AMOUNT OF—HOW DETERMINED.

February 23, 1914.

Hon. Chas. E. McCall,
Chief Examiner of Public Accounts,
Livingston, Alabama.

Dear Sir:—

Replying to your letter with reference to the amount of solicitor's fees in certain cases mentioned, I beg to advise you

that the fees in each case should be governed by the judgment, on conviction, and not by the evidence in the cause, or by the indictment.

Referring to the other matters mentioned in your letter with reference to clerks' fees, I beg to say that you omitted the citation of the local law mentioned in your letter, and without such citation, I am unable to give you an opinion upon these other questions propounded in your letter.

Yours very truly,
ROBERT C. BRICKELL,
Attorney General.

**LECTURE—HALF PROCEEDS TO SCHOOL, HALF TO
LECTURER—LICENSE TAX FOR.**

March 2, 1914.

Hon. Wm. F. Feagin,
Superintendent of Education,
Capitol.

Dear Sir:—

Your letter enclosing communication from President C. E. Crossland, of the Southeast Alabama Agricultural School and Experiment Station, and requesting me to advise you thereon, received.

From his letter it appears that he desires to be advised as to whether an illustrated lecture delivered for admission, one-half of the receipts to go to the lecturer and one-half to be devoted, after paying the expenses, to a school library fund, would be subject to a license tax.

In reply I beg to advise you that the proceeds of such a lecture, not being devoted entirely to school purposes, the tax should be collected.

Yours very truly,
ROBERT C. BRICKELL,
Attorney General.

BREWERIES AGENCY—LICENSE OF.

March 5, 1914.

Hon. Emmet O'Neal,
Governor,
Capitol.

Dear Sir:—

Your letter enclosing letter from Hon. W. C. Agee, chairman of the excise commission of Jefferson county, and requesting me to advise you thereon, received.

In reply I beg to advise you that brewing companies of other states paying a license tax in any county in this State are not required to pay such additional license tax in order that their products may be sold in the other counties in the State. However, if such company desires to establish an additional agency in any county, they would have to pay the tax upon such additional agency.

Yours very truly,
ROBERT C. BRICKELL,
Attorney General.

**CONFESSIONS OF JUDGMENT NOT SUBJECT TO
MORTGAGE TAX.**

March 5, 1914.

Hon. W. R. Foster,
Huntsville, Alabama.

Dear Sir:—

Your letter of the 3rd inst., requesting me to advise you if confessions of judgment in criminal cases are subject to the mortgage tax, received.

In reply I beg to advise you that they are not subject to such tax.

Yours very truly,
ROBERT C. BRICKELL,
Attorney General.

**FREIGHT LINE AND EQUIPMENT COMPANIES
—TAXATION OF.**

March 10, 1914.

Hon. John S. Mooring, Chairman,
State Tax Commission,
Capitol.

Dear Sir:—

In reply to your letter of the 9th inst., requesting to be advised of the validity of section 33-D of the revenue bill of 1911, I beg to advise you that after a careful investigation of the question presented in your letter, I am of the opinion that this statute is not violative of the commerce clause of the federal constitution.

The section in question merely levies a tax upon freight line or equipment companies which do business within the State of Alabama, and this is in no sense a tax upon interstate commerce, and it can make no difference that the amount of tax is based upon the gross income received, for the reason that under the terms of the act, the tax is to be based upon the gross income received by such freight line or equipment companies from any source within this State.

Yours very truly,
ROBERT C. BRICKELL,
Attorney General.

**INSURANCE COMPANIES—CERTIFICATE NECESSARY
FOR QUALIFICATION.**

March 16, 1914.

Hon. Cyrus B. Brown,
Insurance Commissioner,
Capitol.

Dear Sir:—

I beg to acknowledge receipt of your letter of March 13th, in which you request to be advised as to whether or not certain certificates of the superintendent of insurance of New York, may be taken by you as a compliance with the act approved August 26, 1909, amending section 4559 of the Code.

The act above referred to requires that all insurance companies, other than life insurance companies, must have a paid-up cash capital of not less than \$100,000, of which at least \$50,000 shall be invested in state bonds or United States bonds, or notes secured by mortgages on real estate for double the amount, to be certified as worth at least \$50,000 by the insurance commission of the state in which said company is organized. The certificates enclosed from the superintendent of insurance of New York only certify that the companies in question have complied with a certain section of the New York insurance law, and this certificate does not necessarily, either in words or in effect, comply with the statute of this State above referred to, and in reply I beg to advise you that in my opinion the certificates handed me are not a sufficient compliance with the requirements of our laws.

I wish to further advise you that such insurance companies must furnish you a certificate in accordance with the statute above referred to before they would be authorized to transact any business within the State of Alabama.

Yours very truly,

T. H. SEAY,
Assistant Attorney General.

BOND FOR APPEAL FROM ASSESSMENT—EFFECT OF.

March 19, 1914.

Hon. John S. Mooring, Chairman,
State Tax Commission,
Capitol.

Dear Sir:—

Replying to your letter of March 14th, with reference to the appealed assessment case against Buck Creek Cotton Mill Company, I beg to advise you that under the provisions of section 36-C of the revenue bill of 1911, in order to prosecute the appeal to the Circuit Court, the company must make an appeal bond at double the amount of the State and county taxes as assessed by the board, from which the appeal was taken, and, in my opinion, this provision of this section of the Code would operate as a supersedeas, except for the further provi-

sion that the State might collect on the basis of the assessment for the preceding year. In the particular case in question there was no tax upon this company during the preceding year, and I, therefore, advise you that the bond required by section 36-C, if properly made, would in this case operate so as to supersede the judgment of the court of county commissioners, and that no tax could be collected pending the decision of this appeal.

Yours very truly,

WM. L. MARTIN,
Assistant Attorney General.

**BUILDING AND LOAN MORTGAGES—LIABLE FOR
MORTGAGE RECORD TAX.**

March 25, 1914.

Hon. John S. Mooring, Chairman,
State Tax Commission,
Capitol.

Dear Sir:—

Your letter requesting me to advise you whether under section 2088 of the Code mortgages given by a building and loan association are liable to the tax of 15 cents per hundred or whether they are exempt from taxation under that section, received.

In reply I beg to advise you that the only field of operation for section 2088 of the Code is to exempt such mortgages from ad valorem taxation, but that it does not exempt them from the privilege tax of 15 cents per hundred dollars.

Yours very truly,

ROBERT C. BRICKELL,
Attorney General.

**FIRE INSURANCE COMPANIES—MUNICIPAL
TAXATION OF.**

Hon. Cyrus B. Brown,
Insurance Commissioner,
Capitol.

March 26, 1914.

Dear Sir:—

Your letter requesting me to advise you as to municipal taxation of insurance companies under section 4 of the revenue act of March 31, 1911, received.

In reply I beg to advise you that fire or marine insurance companies must pay the tax on all business written in such municipalities regardless of whether the property insured is located in such municipality or not.

Yours very truly,

ROBERT C. BRICKELL,
Attorney General.

**BONDS AND STOCK OF FOREIGN CORPORATIONS OWNED
BY CITIZENS OF THIS STATE—TAXATION OF.**

Hon. John S. Mooring,
State Tax Commission,
Capitol.

March 28, 1914.

Dear Sir:—

Your letter in reference to the taxation of bonds and stock of foreign corporations owned by citizens of Alabama, received.

In reply I beg to advise you that under the authority of *Kidd v. State*, 125 Ala. 413, and *Kidd v. State of Alabama*, 188 U. S. 730, and *Hawley v. City of Malden*, 34 Supreme Court Reporter, 201, such bonds and stocks are liable, and that under the authority of the cases above referred to, they are taxable under subdivision 14 of section 2082 of the Code, but are not taxable under subdivision 9 of said section, which our court, in the case of *State v. Kidd*, supra., has construed to apply solely to domestic corporations.

Yours very truly,

ROBERT C. BRICKELL,
Attorney General.

LECTURE—NOT CONTINUOUS SHOW.

March 31, 1914.

Hon. C. B. Smith,
State Auditor,
Capitol.

Dear Sir:—

Your letter enclosing letter from Hon. M. F. Brooks, Judge of Probate of Escambia County, and requesting me to advise you thereon, received.

From Judge Brooks' letter it appears that he desires to be advised whether, under section 2361, subdivision 24, a concert, musical entertainment or lecture which is only given once is subject to a license of \$10.00, or can it be classed as a continuous show or performance, and be licensed upon the payment of \$5.00.

In reply I beg to advise you that such performance is subject to the tax of \$10.00, and can in no sense be construed to be a continuous show or performance.

Yours very truly,
ROBERT C. BRICKELL,
Attorney General.

**SANITARY COMPANY—PART OF MILITARY
ORGANIZATION**

April 10, 1914.

Hon. J. T. Gorman,
Examiner of Public Accounts,
Mobile, Alabama.

Dear Sir:—

Replying to your letter of recent date requesting to be advised with reference to the authority of the county to make an appropriation for the maintenance of hospital corps within the Alabama National Guard, I beg to advise you that upon investigation I find that there has been ordered organized within the city of Mobile, a company to be known as The Sanitary Company, which company has been organized in compliance with the order of the War Department of the United

States, and under such order of the War Department of the United States, it is a separate and distinct organization or company.

The laws of Alabama authorize the several counties to make an appropriation, not to exceed \$40.00 per month, for the maintenance of each company, and I beg to advise you that the Sanitary Company organized under this order is a company within the meaning of the law authorizing this appropriation.

Yours very truly,

WM. L. MARTIN,
Assistant Attorney General.

BOARD OF REGISTRARS—MEETINGS OF.

Hon. C. B. Smith,
State Auditor,
Capitol.

April 16, 1914.

Dear Sir:—

Your letter requesting me to advise you as to whether the board of registrars should meet on Friday and Saturday preceding the second primary on May 11th, 1914, received.

In reply I beg to advise you that, in my opinion, the act providing that the registrars shall meet before each general, special or primary election should be liberally construed, and that, therefore, the registrars should meet on those days.

Yours very truly,

ROBERT C. BRICKELL,
Attorney General.

BOUNDARY BETWEEN COUNTIES OF TALLAPOOSA AND ELMORE.

Hon. John S. Mooring, Chairman,
State Tax Commission,
Capitol.

April 16, 1914.

Dear Sir:—

Your letter requesting me to advise you as to the line between the counties of Elmore and Tallapoosa, received.

This question calls for a construction of the act approved February 15, 1866, entitled an act "To create the new county of portions of Coosa, Montgomery, Tallapoosa, and Autauga counties," and so far as applicable, is as follows:

"That from and after the passage of this act, all that portion of Coosa county south of the township line dividing townships 20 and 21; and all that portion of Tallapoosa county south of said township line dividing townships 20 and 21, and west of Tallapoosa river; and all that portion of Montgomery north of the Tallapoosa river; and all that portion of Autauga county east of the range line dividing ranges 16 and 17, be and the same are hereby constituted a new county, to be called the county of Elmore."—Acts 1865-66, p. 484.

The particular language to be construed is "and west of the Tallapoosa river."

The Tallapoosa river is, I am informed by the U. S. Engineer's Office, designated by the government as "a navigable stream," and it is, therefore, necessary to determine what rules have been established by the courts for the determination of the boundaries of political subdivisions, when a navigable stream is made the boundary.

In the case of *Howard v. Ingersoll*, 17th Ala. 780, the Supreme Court of Alabama had before it the construction of the cession by the State of Georgia to the United States of unsettled territory afterwards formed to the State of Alabama, and according to the terms of this cession, the boundary of the land so ceded was fixed as "west of a line beginning on the western bank of the Chattahoochee river," and, in that case, the Supreme Court of Alabama held that the true boundary line between the State of Alabama and the State of Georgia was low-water mark on the west side of the Chattahoochee. This case was afterwards taken to the Supreme Court of the United States, and is reported in 13th Howard, p. 381.

Upon this appeal the decision of the Supreme Court was reversed and it was held that the boundary line between Alabama and Georgia ran along the top of the western bank, leaving the bed of the river and the western bank within the jurisdiction of the State of Georgia. Subsequently, the State

of Alabama filed its original bill in the Supreme Court of the United States against the State of Georgia for the purpose of determining the true boundary line between the State of Alabama and the State of Georgia. This case is reported in 23rd Howard, p. 505, and in that case it was decided:

“That there is ownership of soil and jurisdiction in Georgia in the bed of the river Chattahoochee, and that the bed of the river is that portion of its soil which is alternately covered and left bare, as there may be an increase or diminution in the supply of water and which is adequate to contain it at its average and mean stage during the entire year, without reference to the extraordinary freshets of the winter and spring, or the extreme drought of the summer or autumn.

“The western line of the cession on the Chattahoochee must be traced on the water line of the acclivity of the western bank, and along that bank where that is defined, and in such places on the river where the western bank is not defined, it must be continued up the river on the line of its bed, as that is made by the average and mean stage of the water.”

Applying the principles to be deduced from these cases, and the fact that the act of the legislature was taking a part of the territory of Tallapoosa county, as also Georgia ceded a part of her territory, I am of the opinion, and so advise you, that the line between the counties of Tallapoosa and Elmore should be determined by the bed of the Tallapoosa river, which is that portion of the soil which is alternately covered and left bare as there may be an increase or diminution in the supply of water, and which is adequate to contain it at its average and mean stage during the entire year without reference to the extraordinary freshets of the winter or spring, or the extreme drought of summer or autumn.

Yours very truly,

ROBERT C. BRICKELL,
Attorney General.

PRIMARY ELECTIONS—QUALIFICATION AND CHALLENGE OF VOTERS.

May 8, 1914.

Hon. Cyrus B. Brown,
Secretary of State,
Capitol.

Dear Sir:—

Your letter requesting me to advise you, first, if persons who have not paid all poll taxes due by them can vote in the primary election on May 11th, and, second, if it is the duty of the managers of said election to challenge parties desiring to vote, upon the filing with said managers of a written list of the persons whom it is desired to challenge, received.

In reply to your first question, I beg to advise you, that it is provided by section 9, of the primary election law, that only qualified electors under the general election laws of the State shall have the right to participate in such primary election, and that under our election laws one who has not paid all poll taxes due by him is not a qualified voter and should not be permitted to vote in the primary and that any person so voting would be guilty of a criminal offense.

Answering your second question, I beg to advise you that by section 18 of the primary election law it is provided: "The party holding such primary election may, through its executive committee or other governing authority prescribe, or fix any rule or regulations for the holding of such primary election not inconsistent or in conflict with this act," and the following provision is found in the resolution of the State committee, calling the primary to be held on May 11th, "Any elector to vote in said primary may challenge any person or persons proposing to vote therein, by signing and filing with one or more of the managers of election a certificate in substantially the following terms:

"To the Managers of Election:

I hereby certify that I have reasonable cause to believe and do believe, that the following persons who propose to vote in the Democratic primary on the 6th day of April, 1914, are not qualified to vote as Democrats in said election."

And the managers of election shall give effect to such certificate as a challenge of the persons so listed, and also have provided the primary to be held on May 11th, shall be held under and in accordance with the rules and regulations provided for the primary of April 6th.

It must, therefore, follow that whenever any elector qualified to vote in the primary files with a manager of election a certificate in substantially the form above provided it becomes the duty of the managers of such election to treat such certificate as a challenge of the persons named therein, as fully and effectually as if the party filing such challenge was present.

Yours truly,

ROBERT C. BRICKELL,
Attorney General.

COUNTY TREASURER—SALARY OF.

Hon. Emmet O'Neal,
Governor,
Capitol.

May 8, 1914.

Dear Sir:—

Your letter enclosing letter of W. A. Dodson, county treasurer of Fayette county, and requesting me to advise you thereon, received.

The question upon which Mr. Dodson desires to be advised is as to the payment of his compensation as county treasurer. It is provided by section 217 of the Code that the county treasurer receives such compensation as may be allowed by the court of county commissions, in no case to exceed $2\frac{1}{2}\%$ on the money received, and $2\frac{1}{2}\%$ on the money paid out, or the sum of \$1,000.00. It will therefore appear to be clear that his claim for compensation must be passed upon and allowed by the court of county commissioners before the same can be paid.

Under the general principles of law, an officer receiving or paying out money upon the commission basis, is entitled to his compensation as preferred claim, and while I do not find that the claim of the county treasurer for his salary is made a preferred claim by the statutes, I am inclined to the opinion,

and so advise you, that under the general principles of law, he would be entitled to receive his salary without registering his claim, and waiting for its payment.

Yours very truly,

ROBERT C. BRICKELL,
Attorney General.

**TRANSFER OF FUNDS FROM GENERAL FUND TO ROAD
AND BRIDGE FUND.**

May 16, 1914.

Hon. Chas. E. McCall,
Chief Examiner of Public Accounts,
Capitol.

Dear Sir:—

Your letter enclosing letter from M. D. Gilmer, County Treasurer of Lamar County, and requesting me to advise you thereon, received.

The questions submitted in Mr. Gilmer's letter are:

“First:—Does the commissioners' court have the right to legally require a county treasurer to transfer general fund to bridge and jail fund, or vice versa, when there is to the credit of one fund a surplus, and the other fund is insufficient; and

“Second:—Whether a county treasurer can legally pay interest on warrants for the construction of roads, or interest-bearing warrants, and attorney's fees for condemning right-of-way?”

In reply to the first question, I beg to advise that the court of county commissioners have the right to legally require the county treasurer to transfer money from the general fund to the bridge fund, whenever there is a surplus in the general fund, but that they have no right to require the treasurer to transfer any money from the bridge or jail funds to the general fund, and such a transfer of the funds would be illegal.

Yours very truly,

ROBERT C. BRICKELL,
Attorney General.

**PENNYSCRIPT BOOKS—USE OF BY CONVICT
DEPARTMENT.**

May 16, 1914.

Hon. Hartwell Douglass, President,
Board of Inspectors of Convicts,
Capitol.

Dear Sir:—

Your letter enclosing letter from Hon. Geo. W. Jones, District Attorney for the Louisville & Nashville Railroad, in reference to the penny-script books being issued to the Convict Department, transferable, so that one penny-script book could be used by two or more convicts riding in charge of a convict agent, received.

The question presented by your letter and that of Mr. Jones is whether such an arrangement would be a violation of section 7691 of the Code, the provisions of which so far as applicable, are "Any common carrier * * * or the agent, officer, servant or employee of such, who shall give, procure for, or deliver to, any person, or accept any free passes, tickets, or free transportation for any person, or give, make or allow any rebate, discount or reduction from such rates as are offered or given to the public at large * * * shall be fined * *."

An arrangement of this kind would certainly not be the giving, procuring, delivering or accepting of a free pass or ticket, or free transportation, so the question for determination is whether the making of an arrangement of this kind would be the granting of a rebate, discount or reduction from such rates as are offered or given to the public at large.

In considering this statute it must be treated as any other criminal statute, and strictly construed.

I do not understand from your letter or from the letter of Mr. Jones that the penny-script books are to be sold to the State convict department for any less price than they are sold to the general public, the only distinction which I understand is to be made, is that the railroad would not insist upon the usual conditions of the contract, that the same book must be used by the same person, but will permit two or more persons in charge of the convict agent, to use the same book.

Viewing the transaction in this light, and construing the statute as other criminal statutes are construed, I cannot believe that such an arrangement would be a violation of the statute.

Yours very truly,

ROBERT C. BRICKELL,
Attorney General.

**CERTIFICATE OF REGISTRATION OF AUTOMOBILES
—FORGERY OF.**

May 21, 1914.

Hon. Cyrus B. Brown,
Secretary of State,
Capitol.

Dear Sir:—

In reply to your request that I inform you what offense, if any, is committed by a person who makes, alters, forges or counterfeits certificates of registration of automobiles, which certificates of registration are provided for by sections 4 and 12 of an act known as the motor vehicle law, received.

It is provided by section 6910 of the Code:

“Any person, who, with intent to injure or defraud, falsely make, alters, forges or counterfeits, or totally obliterates any * * * * * receipt for the payment of money, or instrument of writing, being or purported to be the act of another * * * * * or who, with such intent, utters and publishes as true any falsely made, altered, forged or counterfeited instrument, writing, endorsement or entry specified or included in this section, is guilty of forgery in the second degree.”

The certificate of registration provided for in sections 4 and 12 of the motor vehicle law is, in my opinion, a receipt for the payment of money, the certificate being the receipt which is furnished by the motor vehicle department for the payment of a motor vehicle license, but even if it is not such a receipt, it

is an instrument by which a pecuniary demand or obligation is purported to be discharged.

Therefore, such an act constitutes forgery in the second degree, as described in section 6910 of the Code.

Yours very truly,

ROBERT C. BRICKELL,
Attorney General.

**SPECIAL JUDGE OF CITY COURT OF BIRMINGHAM—
PAYMENT OF.**

May 28, 1914.

Hon. C. B. Smith,
State Auditor,
Capitol.

Dear Sir:—

Your letter of this date enclosing letter from E. N. Hamill, in reference to the payment of his salary as special judge of the city court of Birmingham, received.

In reply I beg to advise you that by the provisions of section 2 of the act regulating the practice in the city court of Birmingham, approved February 26, 1907, (Acts 1907, page 254), it is expressly provided that "such judge pro tempore shall be paid for his services out of the treasury of Jefferson county, on his warrant, at the same rate as the regular judges are paid;" and it must, therefore, follow that you have no authority to draw your warrant for the payment of any portion of the compensation of such special judge, but that the whole thereof must be paid out of the county treasury of Jefferson county.

Yours very truly,

ROBERT C. BRICKELL,
Attorney General.

**RECORDS FOR COUNTY HEALTH OFFICER—PAYMENT
FOR BY COUNTY.**

June 4, 1914.

Hon. W. H. Sanders,
State Health Officer,
Capitol.

Dear Sir:—

Your letter requesting me to advise you whether the court of county commissioners has authority to supply the county health officer with books in which to keep the register of births and deaths, received.

In reply I beg to advise you that under section 706 of the Code, these are public records of the county, and I am, therefore of the opinion, and so advise you, that the court of county commissioners are authorized to supply the county health officer with such books, and to pay for the same out of the funds of the county.

Yours very truly,
ROBERT C. BRICKELL,
Attorney General.

STATE HEALTH DEPARTMENT—USE OF FUNDS OF.

June 11, 1914.

Hon. W. H. Sanders,
State Health Officer,
Capitol.

Dear Sir:—

Replying to your letter of the 11th inst., with reference to the authority of your department to pay for insurance on the property owned by the State of Alabama, which is situated in the house now being used by the State as a Pasteur Institute, I beg to advise you that section 733 of the Code as amended by the act approved April 22, 1911, Acts 1911, p. 621, affords ample authority for you to pay for the necessary insurance on this property.

Yours very truly,
ROBERT C. BRICKELL,
Attorney General.

PLAT BOOK—PAYMENT FOR.

June 13, 1914.

Hon. C. B. Smith,
State Auditor,
Capitol.

Dear Sir:—

Your letter enclosing a letter from the tax assessor of Marshall county, and requesting me to advise you thereon, received.

The question upon which my advice is desired is as to where a plat book of the county has been made as provided by section 2120, the assessor may be allowed compensation under said section for keeping the book up from year to year.

It is provided by said section that the assessor shall make out a complete plat book of all real estate in his county unless such plat book has already been provided. It appears from the letter of the tax assessor that such plat book has been provided, and that all he is called upon to do is to keep the same up.

I am, therefore, of the opinion, and so advise you, that he is not entitled to compensation for keeping the book up from year to year.

Yours very truly,
ROBERT C. BRICKELL,
Attorney General.

CORPORATION FRANCHISE TAX—AMOUNT OF.

June 12, 1914.

Hon. John T. Gorman,
Examiner of Public Accounts,
Capitol.

Dear Sir:—

Your letter in reference to the amount upon which the corporation franchise tax imposed by section 12 of the revenue bill should be paid, that is, whether upon a valuation of 60% or 100% on capital employed in this state, received.

In reply I beg to advise you that the 60% valuation provision of the act of 1912 does not apply to corporation franchise

taxes, and that they should be paid upon the 100% valuation.

Further, however, I wish to advise you that under the affidavits enclosed, the probate judge would not be liable to the State for failure to collect more than the tax shown by the affidavit.

Yours very truly,
ROBERT C. BRICKELL,
Attorney General.

FEES OF TAX COMMISSIONER AND TAX ASSESSOR.

June 13, 1914.

Hon. John S. Mooring, Chairman,
State Tax Commission,
Capitol.

Dear Sir:—

Your letter requesting me to advise you upon certain questions therein stated, received.

The first question upon which my advice is desired, is:

“Is the county tax commissioner, under section 2544, which states that said county tax commissioner shall receive the same fee as the tax assessor in like cases, entitled to a fee of 25 cents for service of the notice in raise cases?”

In reply to this question I beg to advise you that the tax commissioner is entitled to the fee of 25 cents in the case stated.

Your second question is:

“Is the fee of 50 cents provided by section 2099 for the tax assessor also to be added under proceedings arising under any of the sections to which reference has above been made, by the county tax commissioner?”

In reply to this question I beg to advise you that the fee of 50 cents should be added.

Your third question is:

"If such fee of 50 cents is to be added, who is entitled to said fee, the tax assessor or the tax commissioner?"

In reply to this question I beg to advise you that the fee of 50 cents referred to is properly due the tax commissioner.

Yours very truly,

ROBERT C. BRICKELL,
Attorney General.

LUMBER—TAXATION OF.

June 13, 1914.

Hon. John S. Mooring,
Capitol.

Dear Sir:—

Your letter requesting me to advise you as to whether stocks of rough lumber and stocks of dressed lumber in the saw mills is exempt from taxation as a manufactured product, received.

In reply I beg to advise you that under subdivision A of section 2061 of the Code, such stocks of lumber, if manufactured during the year preceding the first day of October, are exempt, but that also under the provisions of the same subdivision, such property is not exempt unless the property is entered upon the assessment list.

Yours very truly,

ROBERT C. BRICKELL,
Attorney General.

**CLERK LIABLE FOR FAILURE TO ISSUE EXECUTION
FOR REMOVAL BILL.**

June 16, 1914.

Hon. Chas. L. Townes,
Huntsville, Alabama.

Dear Sir:—

Your letter of the 12th inst., requesting me to advise you whether the costs of the removal of the defendant from the county in which he is arrested to the county in which he is

tried should be taxed as a part of the costs when he is convicted, and if the clerk fails to tax the same, is the clerk liable therefor, received.

In reply I beg to advise you that this question is disposed of in the opinion of the Court of Appeals in *Clark v. State*, 2 C. A. 196, from which it follows that the clerk who fails to issue an execution for such removal bill would be liable therefor.

Yours very truly,
ROBERT C. BRICKELL,
Attorney General.

LICENSE—AMOUNT OF—HOW DETERMINED.

June 18, 1914.

Hon. C. B. Smith,
State Auditor,
Capitol.

Dear Sir:—

Your letter enclosing letter from Hon. Chas. B. Teasley, Judge of Probate of Montgomery County, and requesting me to advise you thereon, received.

From the letter of Judge Teasley it appears that there is a ball park within five miles of the corporate limits of Montgomery, which is also within five miles of the corporate limits of the town of Capitol Heights, and that at this ball park admission fees are charged, and that he desires to be advised whether this ball park is liable for a license to be fixed under the revenue bill of 1911 according to the population of the town of Capitol Heights or the population of the city of Montgomery.

In reply I beg to advise you that, in my opinion, the license should be regulated according to the population of the largest city within the 5-mile limit.

Yours very truly,
ROBERT C. BRICKELL,
Attorney General.

**CAPITAL STOCK—TAXATION OF NOT AFFECTED BY
BANKRUPTCY.**

June 24, 1914.

Hon. John S. Mooring, Chairman,
State Tax Commission,
Capitol.

Dear Sir:—

Your letter in reference to the amount of license tax which should be paid by the E. E. Forbes Piano Company upon its capital stock, duly received.

From your letter it appears that in the fall of 1913 this company went into the hands of a receiver in bankruptcy, and remained in charge of such receiver until some time in the spring of 1914. That at the time the company was placed in the hands of a receiver its paid-up capital stock was \$500,000.00, and that after the discharge of the receiver, the capital stock of the company was reduced to \$350,000.00, and the question presented is whether a license tax on the stock should be paid upon the basis of \$500,000.00, the amount of capital on the first day of January, 1913, or the amount of the capital stock as reduced after the discharge of the receiver.

I am of the opinion, and so advise you, that as it appears that on January 1st, 1914, the capital stock was \$500,000.00, they are liable for a license tax upon that amount.

The second proposition you submit is as to the liability of this company for a penalty of 10% to the county tax commissioner of Montgomery county.

From your letter it appears that during the month of February, 1914, while said tax was delinquent and before any steps had been taken by any other tax commissioner, the tax commissioner of Montgomery county reported this corporation as delinquent to the judge of probate of Montgomery county, the company having a regularly established place of business therein.

Under these facts, I am of the opinion, and so advise you, that the tax commissioner of Montgomery is entitled to this penalty of 10%.

Yours very truly,
ROBERT C. BRICKELL,
Attorney General.

UNITED STATES LLOYDS—QUALIFICATIONS OF.

June 29, 1914.

Hon. Cyrus B. Brown,
Secretary of State,
Ex-Officio Insurance Commissioner,
Capitol.

Dear Sir:—

In reply to your request to advise you whether under section 4568, the United States Lloyds are entitled to do business in this State, they not having made the deposit with this State, or any other state of the United States, as required by section 4563 of the Code, I beg to advise you:

It is provided by section 4568, that

“Associations or individuals, whether organized within this State or elsewhere, formed upon the plan known as ‘Lloyds’ may be authorized to transact business of insurance, other than life in this State * * * but all such ‘Lloyds,’ whether organized within this State or elsewhere, not having an actual paid-up cash capital, shall make the same deposit and upon the same terms and conditions as required by section 4563 (2587) of foreign insurance companies incorporated or associated under the laws of any government or state other than the United States or one of the united states.”

The question thus presented is whether the United States Lloyds have “an actual paid-up cash capital.” From the papers submitted to me it appears that each of the subscribers, one hundred in number, has deposited \$1,000 as a fund to guarantee the payment of claims arising under policies written by the United States Lloyds.

Consideration of the character of a Lloyds association, and especially such an association as defined by section 4568 of the Code, shows that it was not contemplated or intended that **such an association** should be an incorporated company or should have a capital stock, and I am, therefore, of the opinion, and so advise you, that the \$100,000.00 set apart by the subscribers constitutes an actual paid-up cash capital, and that,

therefore, this company is authorized under the statutes to do business in this State.

Yours very truly,
ROBERT C. BRICKELL,
Attorney General.

SALARY OF COUNTY HEALTH OFFICER—AMOUNT OF.

July 6, 1914.

Hon. J. T. Gorman,
Examiner of Public Accounts,
Mobile, Alabama.

Dear Sir:—

Your letter enclosing letter from Hon. Geo. J. Sullivan, and one from Dr. P. J. M. Acker to him, received.

In reply, I beg to advise you that after considering this matter, I am of the opinion that regardless of whether or not the County Health Officer is an officer under the decision in the case of State against W. H. Sanders or not, he should be paid a salary upon the basis of population as fixed by the Federal census of 1910, and that such census governs the amount of the salary of the county health officer, whether such salary be increased or diminished by reason of the census.

Yours very truly,
ROBERT C. BRICKELL,
Attorney General.

POWER OF GOVERNOR TO PARDON IN CONTEMPT CASES.

July 17, 1914.

Hon. Emmet O'Neal, Governor,
State Capitol,
City.

Dear Sir:—

Your letter requesting me to advise you as to whether or not the pardoning power of the governor extends to cases where a person has been fined and imprisoned for a contempt of court, received.

The proper solution of this question depends upon the construction of section 124 of the constitution, which so far as pertinent is as follows: "The governor shall have the power to remit fines and forfeitures under such rules and regulations as may be prescribed by law, and after conviction, to grant reprieves, parole, commutation of sentences and pardons, except in cases of impeachment."

The courts of this State have not, so far as I have been able to find, had occasion to pass upon the question here presented, nor so far as I have been able to learn, has any governor ever in the history of the State attempted to exercise this power.

Therefore, in order to properly construe this provision of the constitution, and to determine whether the power exists in the governor, it is necessary to have recourse to the decisions of the courts of the United States, and of the other states which must be read in connection with the constitutional provisions there passed upon.

The constitution of the United States provides: "That the president shall have power to grant pardons for offenses against the United States except in cases of impeachment," and under this provision it has been held in the case of *in re Nullee*, 7th, Bltch., 23; that the constitutional power of the president does extend to the granting of a pardon in cases of contempt of court, which opinion cites and refers with approval to the opinions of Attorneys General Mason, Gilpin and Crittenden, which will be found respectively in the third, fourth and fifth volumes of the opinions of the Attorney General.

It has also been held by the Supreme Court of Mississippi in *ex parte Hickey*, 4th Smedes & M. 751, that under the provisions of the constitution of Mississippi, the power of the governor to grant pardons and reprieves, and to remit fines in all criminal and penal cases, conferred upon him the power to grant pardons in cases of contempt.

In *State v. Sauvinet*, 24 La. Ann. 119, 13 Amer. Rep. 115; it is held by the Supreme Court of Louisiana that the governor under the constitution of Louisiana, in cases where a party was sentenced for contempt for failure to turn over a cash box containing certain money and securities, he, having been ordered to do so by the court, had the authority to pardon such

contempt, but a majority of the court expressly state that they do not decide that such power extends to contempts generally, but only to the class of contempts there dealt with.

The Supreme Court of Michigan in *re Chadwich*, 67 N. W. 1074, holds that proceedings in contempt are not criminal cases.

The Court of Civil Appeals of Texas in *Taylor v. Goodrich*, 40 S. W. 515, reviews the decision in *ex parte Hickey* and *State v. Sauvinet*, *supra*, and reaches the conclusion that while contempts may be penal cases within the meaning of the constitution of Mississippi, and therefore the decisions of that court in *ex parte Hickey*, *supra*, be sound, the decision of the Supreme Court of Louisiana in *State v. Sauvinet*, *supra*, is unsound in principle and cannot be followed.

The argument of the Court of Civil Appeals of Texas in the case of *Taylor v. Goodrich*, *supra*, is to my mind a full answer to the question as to whether the pardoning power of the governor, under constitutional provisions such as ours extends to cases of contempt, and I, therefore, quote from the same at some length.

"It is a familiar rule of construction in this state that, when the constitution defines the powers of an officer, he is confined to the powers enumerated, and the express mention of such powers negatives the existence of others. The constitution of this State declares that in all criminal cases, except treason and impeachment, the governor shall have power, after conviction to grant reprieves, commutation of punishment, and pardons, and, under such rules as the legislature may provide, he shall have power to remit fines and forfeitures. The legislature, as provided in the Code of criminal procedure, has authorized him to remit fines and grant pardons in criminal actions. The real inquiry is whether a contempt proceeding is a criminal case, within the meaning of this constitutional provision. If the words 'criminal case' are confined to the crimes mentioned in the Penal Code, and should be held to be construed only as the terms 'crime,' and 'offense' are therein defined, there would be little difficulty in reaching a correct conclusion upon this question; for the question of contempt is not mentioned in the Penal Code, and is

not there characterized as a crime or offense. When we inquire into the reason of the law that confers the power upon the courts to punish for contempts, we cannot well perceive that the constitution, in authorizing the executive to pardon crimes, and remit fines in criminal cases, intended that the power should be exercised in contempt cases, and that such cases should be regarded as criminal. The efficiency and integrity of courts demand that they shall have the right, in order to transact their business in an orderly way, to require the observance of decorum, and to punish those who may interfere with them when exercising their judicial functions, or who may at such times, by willing conduct, interfere with the peace of the court, or bring it into contempt. If the power is given to the governor to pardon in cases of this character, it admits the weakness and want of the power in the court to preserve its standing and to protect itself from contempt, and would virtually lodge in the governor the final power to determine if a contempt has been shown to the court, and whether the party should be punished. Such a concession of authority is incompatible with many provisions of law on the subject of contempt. How could a court preserve the ends of justice by compelling an unwilling witness to testify, if the governor could relieve him from the punishment inflicted by the court for his refusal? How may a court enforce its orders in injunction and mandamus, and in other proceedings, if a governor may virtually set them aside by pardoning the one who has willfully disobeyed them? How may obedience to the process of the court be enforced, if a governor may stand between the court and the one that has disobeyed it? How may a court, in an orderly and efficient way, perform its official functions and public duties, if a governor may paralyze its power in furtherance of these ends? The moment you admit that a governor has the power to cripple a court in the performance of its duties, in the way noticed, then it virtually follows, as a sequence, that the courts in the administration of justice, are under the control of the governor, and, while he cannot influence their judicial acts and conduct, he may control them. It is not believed that the constitution of this State intended to

invest him with any such power. And it is believed, as before said, that the term 'criminal cases,' as there used, was intended to be understood as meaning those cases and crimes provided for in the Criminal Code, for which a conviction must be had in the manner provided by law for the trial of criminal cases. The constitution, as well as the law, in all criminal cases, gives to the defendant the right of trial by jury; but it has never, in this State, been held that a defendant charged with contempt was entitled to a jury, except, possibly, in proceeding against an attorney at law when charged with a contempt involving fraudulent or dishonorable conduct or malpractice. But upon the contrary it has been expressly decided that in contempts, except where the statute directs otherwise, there is no trial by jury allowed. *Crow v. State*, 24 Tex. 12. And it is also held in *Casey v. State*, 25 Tex. 384, that a contempt is not such a criminal case as may be appealed. And to the same effect is *State v. Thurmond*, 37 Tex. 340. In *Scott v. State*, 86 Tex. 321, 24 S. W. 789, in a well-considered opinion by the present chief justice of the supreme court, it was held that a proceeding to disbar an attorney was not a criminal case; and it is there said, quoting from *Abbott's Law Dictionary*, that a 'criminal case' is defined to be 'an action, suit or cause instituted to secure conviction and punishment for a crime.' Black, in his *Law Dictionary* (page 302), defines a 'criminal case' to be an action, suit or cause instituted to punish an infraction of the criminal law. The court in the *Scott* case, 86 Tex. 321, 24 S. W. 789, in determining that a disbarment proceeding is not a criminal case, lays much stress, and properly so, upon the fact that, on the subject of crimes, our Code of Criminal Laws is supposed to be complete, and that no act is regarded in this State as a crime unless it is so declared by the statute laws and fully defined, and as the Criminal Code was silent upon the question of disbarment, and the proceedings that regulated it were only found in the Civil Code, the conclusion should be reached that it was not a criminal case, and therefore the Court of Civil Appeals had jurisdiction of it on error. If the court in that case properly held—which was doubtless the case—that a disbarment

proceeding was not a criminal case, for a like reason it should be held that a contempt is not a criminal case; for nowhere in the Criminal Code is the subject mentioned, but all there is that relates thereto is found in the civil statutes. Further, a proceeding to disbar an attorney and remove him from his office is as much a matter of public interest as a proceeding in contempt, and the dishonorable conduct and malfeasance in office for which may be punished by being stricken from the roll is as much an offense against the public as would be a contempt of court. The punishment inflicted upon the attorney by removal from office is, in a sense, penal in character, and he is made to suffer this penalty as a punishment for the wrong he has done the public; and that public has the same direct interest in his punishment, and receives the same benefit thereby, in contemplation of law, as it would be in the case of one punished for contempt. If the Supreme Court in the case of *Crow v. State*, 24 Tex. 12, and *Casey v. State*, supra, had regarded contempts as criminal cases, under the law in this State, they would not have denied in the one case the right of appeal, and in the other the right of trial by jury; for the law, in granting the right of appeal and trial by jury, applies alike to all criminal cases. Hence these decisions, in our opinion, are direct authority against the proposition that proceedings in contempt are 'criminal cases,' as the term is understood and meant by the laws of this State. The Supreme Court of Michigan, in *re Chadwich*, 67 N. W. 1074, also holds that proceedings in contempt are not criminal cases. There is also another reason, which is simply persuasive, that may be advanced why contempts in this State are not regarded as criminal cases. The practice is universal in the courts of this State to exercise, when they so desire, the discretion to remit the punishment inflicted by them in such cases. If contempts were such criminal cases, within the meaning of the constitution, that the governor could pardon, the discretion so often and frequently exercised by the courts in remitting punishment in such cases would be unauthorized; for they have no power to remit fines in criminal cases, or grant pardons, for the jurisdiction of the governor in these matters is exclusive. It cannot

be believed that this authority, which has so long been exercised and recognized, would have passed to this time unchallenged if it had been by the courts and the law regarded as unwarranted. The vigilance of the counties and the law officers who are interested in fines imposed in such cases would have questioned the authority of the courts to remit, if it had been believed that contempts were criminal cases, within the meaning of the law. Attention is only called to this aspect of the question as having some bearing in interpreting the term 'criminal cases,' as used in the constitutional provision relating to pardons, as it shows the uniform construction placed upon the statute punishing contempts by the courts and the officers charged with its execution."

The verbiage of our constitution being so entirely different from that of the constitution of the United States, and the constitution of Mississippi, and so similar to that of the constitution of Texas, I feel constrained to adopt the conclusion reached by the Court of Civil Appeals of Texas in the case just quoted from, and therefore, advise you that under the provisions of section 124 of the constitution of Alabama, the governor is without authority to pardon in contempt cases, or interfere with the execution of the sentence of a court punishing a person for contempt.

Yours very truly,
ROBERT C. BRICKELL,
Attorney General.

**INTANGIBLE TAX, NOT REDUCED BY INCREASE OF
TANGIBLE, DURING TWO-YEAR PERIOD.**

July 20, 1914.

Hon. John S. Mooring, Chairman,
State Tax Commission,
Capitol.

Dear Sir:—

Your letter requesting me to advise you as to whether your board should decrease the intangible assessments for 1914,

which had been fixed in 1913, because of increased assessments of tangible property made in the different counties, received.

In reply I beg to advise you that, in my opinion, if the increases in the value of the tangible property were properly made by the county authorities, then you should not reduce this assessment, nor can the fact that their assessment of tangible property has been increased over that for 1913 give you jurisdiction to reduce in 1914 the intangible assessment made in 1913, under the provisions of section 36-D of the revenue bill.

Yours very truly,
ROBERT C. BRICKELL,
Attorney General.

**TEXT BOOKS FOR HIGH SCHOOLS—POWER OF HIGH
SCHOOL COMMISSION OVER.**

July 20, 1914.

Hon. Wm. F. Feagin,
Capitol.

Dear Sir:—

Your letter enclosing copy of resolution passed by the State High School Commission, and also copy of proposed contract, received.

From the resolution and the contract it appears that the board has adopted a course of study for the several county high schools, and also the text books to be used in such schools, and has made its adoption for a period of four years.

The State high school commission is given by the statute absolute authority to deal with the high schools as in its judgment is proper, and I am, therefore, of the opinion, and so advise you, that the commission has the right to adopt the text books and to authorize and direct you to enter into the contract, a copy of which is furnished me.

Yours very truly,
ROBERT C. BRICKELL,
Attorney General.

SHARES OF STOCK IN BANKS—TAXATION OF.

Hon. Chas. E. McCall,
Chief Examiner,
Capitol.

August 3, 1914.

Dear Sir:—

Your letter requesting me to advise you as to the proper method of ascertaining the value of the shares of stock in a bank for purposes of taxation, received.

In reply I beg to advise you that under the provisions of subdivision 8 of section 2082 of the Code, its value should be arrived at by taking into consideration the last sale of stock and the price paid for same, the dividend declared by the bank for the last three years, the book value of the shares, the surplus, and undivided profits of the bank, and after considering all these matters the value of the shares should be determined, and from the value thus determined should be deducted the assessed value of the real estate owned by the bank, and in this manner the value of the total shares for taxation will be ascertained.

After ascertaining the total value of the shares in the manner above prescribed, which would be the full value of the shares, sixty per cent. (60%) of that amount should be taken under the provisions of Section 36-A of the revenue act of 1911, which would then give you the total valuation of all the shares. When this value, thus arrived at, is divided by the total number of shares outstanding, the value of each share for taxation will have been determined.

Yours very truly,

ROBERT C. BRICKELL,
Attorney General.

CONVICTS—PRIVILEGES OF A TRUSTY.

Hon. Emmet O'Neal,
Governor,
Capitol.

August 4, 1914.

Dear Sir:—

Your letter requesting me to advise you with reference to the duties and power of the board of inspectors of convicts in

reference to what are commonly known as "trusties," received.

Where the convicts are hired, then under section 6532 of the Code, they cannot be permitted to leave the premises of the person to whom they are hired. However, the board may, by action upon any particular case, permit a convict to go about the premises of the person to whom he is hired without a guard, but cannot permit him to leave the premises without a guard.

Where the convict is not hired, but is at a regular prison established by the State, the board of inspectors may adopt such rules and regulations as they may see fit in regard to this matter. That is, they may either adopt a resolution authorizing the warden to extend the privileges of a trusty to a convict for good cause, or they may restrict such privileges altogether, or require the assent of the board to the conferring of such privileges upon any convict.

The power of the board upon this subject when the convict is not hired is absolute, subject only to your approval, but where he is hired, the board is limited to the authority conferred by section 6532.

Yours very truly,
ROBERT C. BRICKELL,
Attorney General.

**TRUST COMPANIES—SUPERVISION OF BY BANKING
DEPARTMENT.**

August 7, 1914.

Hon. A. E. Walker,
Superintendent of Banks,
Capitol.

Dear Sir:—

Your letter requesting me to advise you as to your authority under section 3528 of the Code to examine trust companies, received.

Under the act creating the banking department, Acts 1911, p. 50, no authority whatsoever over trust companies is given you, and such authority, if any, must be derived solely from section 3528 of the Code.

This section must be construed in connection with section 3518 of the Code, which provides for the powers of banking and trust companies, and which, so far as pertinent, is as follows: "Corporation formed for the purpose of carrying on the business of banking and trust companies doing a banking business." Construing these two sections together, it is evident that it was contemplated that trust companies might or might not engage in the banking business, and construing these sections in connection with the banking act, I am of the opinion, and so advise you, that unless such trust company is engaged in doing a banking business in addition to its trust company business, your department has no jurisdiction over it, but if it is doing a banking business, then such trust company is subject to the jurisdiction of your department.

Yours very truly,

ROBERT C. BRICKELL,
Attorney General.

**WITNESSES BEFORE COMMISSIONERS COURT—CITATIONS
BY TAX ASSESSOR BEFORE COMMISSIONERS
COURT.**

August 9, 1914.

Hon. J. T. Gorman,
Examiner,
Tuscaloosa, Ala.

Dear Sir:—

Your letter requesting me to advise you upon two certain propositions therein mentioned, received.

The first proposition is, "Can a county pay witness subpoenaed before the commissioners' court by the tax commissioner to prove the value of lands?"

In reply I beg to advise you that I can find no authority for such an expenditure of the county's funds.

Your second proposition is: "Is the tax assessor entitled to fees for issuing and serving citations for tax payers, to appear before the commissioners' court at the instance of the tax commissioner?"

Under section 2262 of the Code provision is made for this notice to be issued by the tax commissioner and not by the tax

assessor, and it would follow as a matter of course that the tax assessor is not entitled to any fees for issuing such notice.

I am sending you under separate cover, a copy of my last report.

Yours very truly,

ROBERT C. BRICKELL,
Attorney General.

REMOVAL OF PRISONERS—PAYMENT FOR MEDICAL ATTENTION TO PERSON WOUNDED BY DEPUTY SHERIFF—COUNTY CHARGEABLE WITH BLANKS FOR JUSTICE COURT.

August 17, 1914.

Hon. J. T. Gorman,
Examiner,
Tuscaloosa, Ala.

Dear Sir:—

Your letter requesting me to advise you on certain matters therein stated, duly received.

The first question upon which you desire my advice is: "Where a prisoner is sentenced to death and the trial judge orders him removed to another county for safekeeping, which pays for such removal, State or county?"

In reply I beg to advise you that under section 6638 of the Code, which provides for the removal of prisoners and the payment of costs thereof in certain instances by the county, and in other instances by the State, that where the removal is for the safekeeping of the prisoner; such bill should be paid by the county.

Your second question is: "Can a county pay for medical attention to a prisoner shot by a deputy sheriff while in the discharge of his duty?"

In reply I beg to advise you that I can find no authority for such an expenditure of the county's funds.

Your third question is: "Can a county pay for blanks for justices courts?" In reply I beg to advise you that such payment is specifically provided for and authorized by section 4729 of the Code.

Yours very truly,
ROBERT C. BRICKELL,
Attorney General.

STATE AID FOR ROADS—LETTING OF CONTRACTS FOR.

August 19, 1914.

Hon. W. S. Keller,
State Highway Engineer,
Capitol.

Dear Sir:—

Your letter requesting me to advise you as to a contract which involves the expenditure of less than three thousand dollars on a State aid road, the construction of which had been previously started, received.

After considering the provisions of Section 9 of the State highway act, I am of the opinion that it was intended by that act to allow contracts involving the expenditure of less than three thousand dollars to be let without advertisement as therein provided, when such contract was the total expenditure then to be made upon the road.

Or to state the matter more concisely, while it would not be permissible to let a number of contracts each involving less than \$3,000.00, but all involving more than that sum, without advertisement, one contract which is entirely separate from any other contract and which does not involve the expenditure of more than \$3,000.00, may be let without advertisement.

Yours very truly,

ROBERT C. BRICKELL,
Attorney General.

**WATER POWER COMPANY—EXEMPTION OF FROM
TAXATION.**

August 22, 1914.

Hon. John S. Mooring, Chairman,
State Tax Commission,
Capitol.

Dear Sir:—

Your letter enclosing letter from Hon. R. Y. Jones, Tax Commissioner of Lee County, and requesting me to advise you thereon, received.

From the letter of Mr. Jones it appears that he desires to be advised as to whether or not a certain property operated as a railroad in connection with the plant of the Columbus Power Company, and also that portion of the dam of said company in Alabama is liable for taxation, or whether the same is exempt under the provisions of section 2069 of the Code.

The provisions of this section are for the exemption for a period of ten years of the plant and property, business and franchises of a water power company, whose purpose is the development of the unused water powers of this State for the use of the public.

As was decided in the case of *Alabama v. Georgia*, 23 Howard, 505, the boundary line between the State of Alabama and the State of Georgia "must be traced on the water line of the acclivity of the western bank, and along the bank where that is defined, and in such places on the river where the western bank is not defined, it must be continued up the river on the line of its bed, as that is made by the average and mean stage of the water."

Applying the principle of that decision it must clearly be seen that the water power of the Chattahoochee river is not an unused water power of the State of Alabama, and cannot be such, and further applying the statute to the facts in the case, which show that this water power is developed for the use of the citizens of Columbus, Georgia, and that vicinity, and not for the use of the public of the State of Alabama, it must follow that this company cannot claim an exemption under the provisions of section 2069 of the Code.

I am, therefore, of the opinion, and so advise you, that both the railroad and that portion of the dam lying in Alabama are subject to taxation by this State.

Yours very truly,

ROBERT C. BRICKELL,
Attorney General.

EXEMPTIONS FROM TAXATION—WHEN ALLOWED.—SOLICITORS FEE IN ASSAULT AND BATTERY CASES.

August 24, 1914.

Hon. Chas. E. McCall,
Chief Examiner,

Care Probate Judge, Eutaw, Ala.

Dear Sir:—

Your letter requesting me to advise you upon certain propositions therein stated, received.

The first question upon which you desire to be advised is, "Where the assessor makes an assessment under section 2167 of the Code, shall he allow exemption as set forth under section 2061, subdivision 8 of the Code?"

The provisions of subdivision 8 of section 2061, so far as applicable are: "Provided that no property or subject of taxation shall be exempt from taxation, nor shall any credit, abatement or deduction be allowed therefrom unless such property or subject of taxation is entered by the tax payer upon his assessment list and returned by him under oath to the tax assessor."

The exemption of property from taxation is not a matter of right, but a matter of grace, and the tax payer not having returned the property and claimed his exemption as provided by law, he would not be entitled thereto, and the assessor should not credit him therewith.

Your second and third questions are:

"A defendant under indictment charging assault with intent to murder, on trial be convicted by the jury of assault and battery, and third, A defendant under an indictment charging assault with intent to murder enters a plea of guilty to assault and battery; and you desire to be advised whether in such cases the solicitor's fee should be \$10.00 or \$15.00.

In reply I beg to quote the provisions of section 6634 of the Code so far as applicable: For each conviction under section 6983 (4792), when the defendant pleads guilty, and for each conviction under section 7030, and for each conviction of an assault, assault and battery, or affray, where a stick or other weapon is used,-----\$15.00

From an examination of this section it would clearly appear that if the assault and battery were committed with a weapon,

the fee would be \$15.00 in either case. This could be determined by an inspection of the indictment, which, of course, would charge whether a stick or other weapon was used.

Yours very truly,

ROBERT C. BRICKELL,
Attorney General.

SOLVENT CREDITS—ASSESSMENT OF.

August 26, 1914.

Hon. John S. Mooring,
State Tax Commissioner,
Capitol.

Dear Sir:—

Your letter requesting me to advise you as to the proper officer to whom the returns for assessment of solvent credits owned by foreign corporations doing business in this State, should be made, received.

This question presents itself in two phases: First, where such foreign corporation has a general office in this State from which all its business in this State is transacted, and at which all its evidences of indebtedness are kept; and second, those foreign corporations which have no general office of the character above described, but which do business through various offices or agencies located in different parts of the State.

In answer to your first question I beg to advise you that it is clearly settled by the Supreme Court in the decision recently rendered in the case of State against Tennessee, Coal, Iron & Railroad Company, that where such corporation has a general office of the character above described in this State, then such returns for taxation should be made to the tax assessor of the county in which the general office is located.

Your second question presents a somewhat more difficult problem, but in view of the statement in the case of the State v. Tennessee Coal, Iron & Railroad Company, *supra*:

“The situs of personal property, whether tangible or intangible, for the purpose of taxation, unless otherwise provided by statute, is at the place of residence of the

owner, the only exception being where the property is employed in business or is in the hands of an agent of the owner having an actual situs different from the domicile of the owner."

In view of this statement and the decision in *Boyd v. Selma*, 96 Ala. 144, I am of the opinion, and so advise you, that corporations of the second class should make returns of their solvent credits to the tax assessor of each county in which it does business, such returns, of course, being limited in the county to the solvent credits owned in the county.

Yours very truly

ROBERT C. BRICKELL,
Attorney General.

**SHERIFF'S FEES AND COMMISSIONS UPON EXECUTIONS
IN FAVOR OF THE COUNTY.**

August 28, 1914.

Hon. Chas. E. McCall,
Chief Examiner,
Eutaw, Alabama.

Dear Sir:—

Your letter requesting me to advise you as to the commissions of sheriffs on amounts collected by him upon execution for fine and costs, and also removal bill, received.

In reply I beg to advise you that under the provisions of section 3722 of the Code, the sheriff is entitled to add to and collect from the defendant in execution the commissions therein fixed, regardless of the character of the execution; and under the provisions of subdivision 3 of section 5870 of the Code, the sheriff is entitled to deduct 5% from all monies collected by him for the county, regardless of the source from which or the manner in which collected; provided, of course their collection by him is authorized by law.

Yours very truly,

ROBERT C. BRICKELL,
Attorney General.

BANKING LAW—SECTION 31 UNCONSTITUTIONAL.

August 29, 1914.

Hon. A. E. Walker,
Superintendent of Banks,
Capitol.

Dear Sir:—

Your letter enclosing letters from Hon. S. H. Dent, Jr., and E. J. Smyer, and requesting me to advise you as to the constitutionality of section 31 of the Banking Act of 1911, received.

I have carefully considered the provisions of section 31 of the Banking Act in connection with the provisions of section 248 of the Constitution, and after such consideration it seems clear that it was the purpose of section 31 of the act to authorize the bank to issue its promises to pay, by whatever name they may be called, which were to pass into the hands of the public generally and to be used by them, and which promises to pay were to be secured in a manner provided by that section of the act, and not in the manner provided by section 248 of the Constitution, which provides that before banks can issue bills to circulate as money, they must be secured by a deposit of bonds of the United States or this State, with the State Treasurer, or some other depository designated by law.

If the depository for the security provided in section 31 of the act be treated as a depository provided by law, still the security authorized by the act is entirely different from that prescribed in section 248 of the Constitution, and in my opinion the provisions of section 31 of the banking act must, therefore, fall as being in conflict with section 248 of the Constitution.

Yours very truly,

ROBERT C. BRICKELL,
Attorney General.

GENERAL STATEMENT

SHOWING CHARACTER AND RESULTS OF PROSECUTIONS IN
EACH JUDICIAL CIRCUIT AND IN EACH CITY OR
CRIMINAL COURT OR OTHER COURT HAVING
A SEPARATE SOLICITOR FOR TWO YEARS
ENDING SEPTEMBER 30, 1914.

CRIMINAL APPEALS TO THE SUPREME COURT FROM 1885 TO DATE.

- In 1885-86, 148 appeals, 90 affirmed or dismissed, 58 reversed. Percentage of reversals, 39.
- In 1887-88, 117 appeals, 72 affirmed or dismissed, 45 reversed. Percentage of reversals, 38.
- In 1899-90, 189 appeals, 110 affirmed or dismissed, 79 reversed. Percentage of reversals, 42.
- In 1891-92, 185 appeals, 112 affirmed or dismissed, 73 reversed. Percentage of reversals, 39.
- In 1893-94, 230 appeals, 124 affirmed or dismissed, 106 reversed. Percentage of reversals, 46.
- In 1895-96, 263 appeals, 158 affirmed or dismissed, 105 reversed. Percentage of reversals, 40.
- In 1897-98, 231 appeals, 150 affirmed or dismissed, 81 reversed. Percentage of reversals, 35.
- In 1899-1900, 189 appeals, 134 affirmed or dismissed, 54 reversed. Percentage of reversals, 28.
- In 1901-02, 225 appeals, 163 affirmed or dismissed, 39 reversed. Percentage of reversals, 28.
- In 1903-04, 253 appeals, 164 affirmed or dismissed, 89 reversed. Percentage of reversals, 35.
- In 1905-06, 292 appeals, 184 affirmed or dismissed, 108 reversed. Percentage of reversals, 36.
- In 1907-08, 314 appeals, 209 affirmed or dismissed, 105 reversed. Percentage of reversals, 33.
- In 1909-10, 286 appeals, 162 affirmed or dismissed, 124 reversed. Percentage of reversals, 43.
- In *1911-12, 469 appeals, 335 affirmed or dismissed, 134 reversed. Percentage of reversals, 28.5.
- In 1913-14, 579 appeals, 460 affirmed or dismissed, 119 reversed. Percentage of reversals, 20.5.

*From 1911 this table includes cases disposed of in Supreme Court and Court of Appeals.

ANDALUSIA CITY LAW AND EQUITY COURT.—*Continued.*

CHARACTER OF OFFENSE.	No. cases disposed of	No. sentences to							Fines paid or secured	Insane Asylum	Reform School
		Convictions	Acquittals	Nolle proseques	Abated or withdrawn	Death	Penitentiary	Hard Labor			
Public drunkenness	9	3	1	4	1			1	2		
Robbery	2	2					2				
Selling mortgaged property ..	3	1	1		1				1		
Trespass after warning	1			1							
Using firearms public place ..	1	1						1			
Vagrancy	3	1		2					1		
Violating convict contract ..	2			2							
Violating game and fish law ..	7	6		1					6		
Violating prohibition law	73	26	5	42				7	19		
Violating Sunday law	3	1		2					1		
Violating written contract ..	1			1							
Total	281	130	27	129	5		19	35	80		

Percentage of convictions in cases disposed of, 46.

Predominant crime, Assault and Battery.

CITY COURT OF ANNISTON.

W. C. Tunstall, Jr., Solicitor.

CHARACTER OF OFFENSE.	No. cases disposed of					No. sentences to				Fines paid or secured	Insane Asylum	Reform School
		Convictions	Acquittals	Nolle proseques	Abated or withdrawn	Death	Penitentiary	Hard Labor	Jail			
Abandonment -----	2	1		1						1		
Abusive language -----	15	9	5	1				1		8		
Allowing minor to play pool -----	1			1								
Assault and battery -----	3	3								2		
Assault and battery with weapon -----	17	11	5	1				4		7		
Assault, intent to murder -----	10	3	4	3			3					
Assault, intent to rob -----	1			1								
Bigamy -----	1	1					1					
Burglary -----	7	3	2	2			2					1
Burglary and grand larceny -----	3	1	2				1					
Burglary, grand larceny and receiving stolen goods -----	12	10	2				10					
Burglary in railroad car -----	1	1					1					
Carrying pistol off prem- ises -----	2	2								2		
Concealed weapons -----	15	7	3	5						7		
Defaulting road hand -----	2		2									
Disturbing religious worship -----	8	7	1							7		
Embezzlement -----	2	1	1				1					
Forgery, first degree -----	7	6		1			6					
Gaming on Sunday -----	6	2	1	3						2		
Kidnapping -----	1		1									
Larceny, grand -----	7	4	3				4					
Larceny, petit -----	6	5	1							5		
Larceny, grand, and receiv- ing stolen goods -----	10	7	1	2			6	1				

CITY COURT OF ANNISTON.—Continued.

CHARACTER OF OFFENSE.	No. cases disposed of	Convictions	Acquittals	Nolle proseques	Abated or withdrawn	No. sentences to				Fines paid or secured	Insane Asylum	Reform School
						Death	Penitentiary	Hard Labor	Jail			
Manslaughter, first degree--	4	4					4					
Manslaughter, second degree	1	1						1				
Murder, first degree-----	13	6	5		2	3	3					
Murder, second degree-----	3	2	1				2					
Operating slot machine-----	1			1								
Perjury -----	4	4					4					
Presenting gun -----	3	1		2						1		
Receiving stolen property----	2			2								
Robbery -----	1	1					1					
Seduction -----	1			1								
Shooting into dwelling-----	1	1								1		
Selling mortgaged property--	2		1	1								
Shooting across public road	1			1								
Throwing missile at train----	1	1								1		
Vagrancy -----	4	1	3							1		
Violating automobile law----	1		1									
Violating prohibition law----	42	10	14	16	2			3		7		
Total -----	226	117	61	44	4	3	49	11		53		1

Percentage of convictions in cases disposed of, 52.

Predominant crime, Violating Prohibition Law.

BESSEMER CITY COURT.

Ben G. Perry, Solicitor.

CHARACTER OF OFFENSE.	No. cases disposed of					No. sentences to				Fines paid or secured	Insane Asylum	Reform School
		Convictions	Acquittals	Nolle proseques	Abated or withdrawn	Death	Penitentiary	Hard Labor	Jail			
Abusive language	117	22	34	37	24	---	---	9	---	13	---	---
Adultery and fornication...	31	1	12	9	9	---	---	---	---	1	---	---
Affray	1	1	---	---	---	---	---	---	---	1	---	---
Allowing minor to play pool	1	---	1	---	---	---	---	---	---	---	---	---
Assault and battery	91	14	26	28	23	---	---	---	---	14	---	---
Assault and battery with weapon	82	18	20	22	22	---	---	5	---	13	---	---
Assault, intent to murder...	9	3	2	2	2	---	2	---	---	1	---	---
Bastardy	5	3	---	---	2	---	---	1	---	2	---	---
Bigamy	1	---	1	---	---	---	---	---	---	---	---	---
Carnal knowledge, girl un- der 12	2	1	1	---	---	---	1	---	---	---	---	---
Changing name unlawfully...	15	1	2	5	7	---	---	---	---	1	---	---
Concealed weapons	61	6	7	26	22	---	---	2	---	4	---	---
Concealing stolen property	1	---	1	---	---	---	---	---	---	---	---	---
Concealing a felon	3	---	1	2	---	---	---	---	---	---	---	---
Cock fighting	2	---	1	---	1	---	---	---	---	---	---	---
Cruelty to animals	16	1	4	6	5	---	---	---	---	1	---	---
Defamation	14	2	4	4	4	---	---	---	---	2	---	---
Disturbing religious worship	24	2	8	10	4	---	---	---	---	2	---	---
Disposing of mortgaged prop- erty	5	1	3	---	1	---	---	---	---	1	---	---
Embezzlement	4	---	1	2	1	---	---	---	---	---	---	---
False pretense	2	---	1	1	---	---	---	---	---	---	---	---
Forgery, first degree	2	---	---	1	1	---	---	---	---	---	---	---
Gaming	154	28	22	62	42	---	---	1	---	27	---	---
Gaming on Sunday	30	5	2	14	9	---	---	---	---	5	---	---

BESSEMER CITY COURT.—Continued.

CHARACTER OF OFFENSE.	No. cases disposed of	Convictions	Acquittals	Nolle proseques	Abated or withdrawn	No. sentences to				Fines paid or secured	Insane Asylum	Reform School
						Death	Penitentiary	Hard Labor	Jail			
Giving away transfer-----	1	---	1	---	---	---	---	---	---	---	---	---
Injuring property -----	5	2	1	1	1	---	---	---	---	2	---	---
Issuing worthless check-----	3	---	---	2	1	---	---	---	---	---	---	---
Keeping gaming table-----	1	1	---	---	---	---	1	---	---	---	---	---
Larceny, grand -----	10	2	1	4	3	---	2	---	---	---	---	---
Larceny, petit -----	8	1	4	1	2	---	---	---	---	1	---	---
Malicious mischief -----	1	---	1	---	---	---	---	---	---	---	---	---
Malicious injury to animal-----	6	3	2	---	1	---	---	---	---	3	---	---
Malicious injury to property-----	2	---	---	1	1	---	---	---	---	---	---	---
Manslaughter, second degree-----	1	1	---	---	---	---	---	---	1	---	---	---
Murder, second degree-----	1	---	1	---	---	---	---	---	---	---	---	---
Obstructing public road-----	2	---	1	1	---	---	---	---	---	---	---	---
Obstructing railroad -----	1	---	---	1	---	---	---	---	---	---	---	---
Perjury -----	1	---	---	---	1	---	---	---	---	---	---	---
Peace proceedings -----	4	---	1	---	3	---	---	---	---	---	---	---
Practicing medicine without a license -----	4	2	---	---	2	---	---	---	---	---	---	---
Presenting gun -----	6	---	4	1	1	---	---	---	---	---	---	---
Public drunkenness -----	10	3	4	1	2	---	---	---	---	3	---	---
Reckless driving -----	3	---	3	---	---	---	---	---	---	---	---	---
Resisting officer -----	4	---	---	3	1	---	---	---	---	---	---	---
Selling cocaine -----	1	---	1	---	---	---	---	---	---	---	---	---
Selling liquor to minor-----	1	1	---	---	---	---	---	---	---	1	---	---
Shooting into dwelling-----	1	---	---	1	---	---	---	---	---	---	---	---
Selling cigarettes to minor-----	1	---	---	---	1	---	---	---	---	---	---	---
Selling mortgaged property-----	1	---	---	---	1	---	---	---	---	---	---	---
Trespass after warning-----	7	---	5	1	1	---	---	---	---	---	---	---
Unlawfully riding on train-----	7	2	4	1	---	---	---	---	---	2	---	---

BESSEMER CITY COURT—*Continued.*

CHARACTER OF OFFENSE.	No. cases disposed of	Convictions	Acquittals	Nolle prosequies	Abated or withdrawn	No. sentences to				Fines paid or secured	Insane Asylum	Reform School
						Death	Penitentiary	Hard Labor	Jail			
Vagrancy -----	26	6	10	4	6	---	---	3	---	3	---	---
Violating game and fish law	5	4	1	---	---	---	---	---	---	4	---	---
Violating prohibition law----	54	7	6	17	24	---	---	---	---	7	---	---
Violating revenue law-----	532	14	27	334	157	---	---	3	---	11	---	---
Violating Sunday law-----	21	4	3	6	8	---	---	---	---	4	---	---
Violating stock law-----	2	---	2	---	---	---	---	---	---	---	---	---
Violating mining law-----	4	4	---	---	---	---	---	---	---	4	---	---
Total -----	1410	166	237	611	396	---	6	24	1	135	---	---

Percentage of convictions in cases disposed of, 12.

Predominant crime, Violating Revenue Law.

COUNTY COURT OF CLARKE COUNTY.

Frank E. Poole, Solicitor.

CHARACTER OF OFFENSE.	No. cases disposed of	Convictions	Acquittals	Nolle proseques	Abated or withdrawn	No. sentences to				Fines paid or secured	Insane Asylum	Reform School
						Death	Penitentiary	Hard Labor	Jail			
Abandonment -----	3			3								
Abusive letter -----	1		1									
Abusive language -----	25	12	1	11	1					12		
Adultery and fornication ---	4	1	1	2						1		
Affray -----	4	3		1						3		
Aiding escape -----	1			1								
Assault and battery -----	19	11	2	6				1		10		
Assault and battery with weapon -----	35	20	6	8	1					20		
Betting with minor -----	4		1	3								
Carnal knowledge, girl over 12 -----	1	1								1		
Concealed weapons -----	26	15	4	6	1			2		13		
Conspiracy -----	1			1								
Defamation -----	1	1								1		
Disturbing religious worship	3	2	1							2		
Embezzlement -----	1	1								1		
Enticing labor -----	1		1									
False pretense -----	9	4	4	1				1		3		
Gaming -----	6	5			1					5		
Larceny, petit -----	22	12	3	7				1		11		
Malicious injury to animal	2	2								2		
Obstructing stream -----	1			1								
Practicing medicine without a license -----	1				1							
Prostitution -----	2	1		1						1		
Presenting gun -----	8	4		4				1		3		

COUNTY COURT OF CLARKE COUNTY.—*Continued.*

CHARACTER OF OFFENSE.	No. cases disposed of	Convictions	Acquittals	Nolle prosequies	Abated or withdrawn	No. sentences to				Fines paid or secured	Insane Asylum	Reform School
						Death	Penitentiary	Hard Labor	Jail			
Public drunkenness -----	24	16	3	5	—	—	—	—	—	16	—	—
Removing property under lien -----	1	1	—	—	—	—	—	—	—	1	—	—
Resisting officer -----	1	—	1	—	—	—	—	—	—	—	—	—
Shooting into dwelling -----	1	—	—	1	—	—	—	—	—	—	—	—
Selling mortgaged property -----	6	—	2	1	3	—	—	—	—	—	—	—
Trespass after warning -----	10	3	1	6	—	—	—	—	—	3	—	—
Unlawful injury to animal -----	2	1	1	—	—	—	—	—	—	1	—	—
Unlawfully taking animal -----	2	1	—	1	—	—	—	—	—	1	—	—
Vagrancy -----	5	—	1	3	1	—	—	—	—	—	—	—
Violating court contract -----	1	1	—	—	—	—	—	1	—	—	—	—
Violating game and fish law -----	18	13	—	5	—	—	—	—	—	13	—	—
Violating prohibition law -----	40	22	4	13	1	—	—	11	—	12	—	—
Violating stock law -----	2	—	—	2	—	—	—	—	—	—	—	—
Total -----	204	153	38	93	10	—	—	19	—	135	—	—

Percentage of convictions in cases disposed of, 51.

Predominant crime, Violation of Prohibition Law.

CLAY COUNTY COURT.

Robert A. Gay, Solicitor.

CHARACTER OF OFFENSE.	No. cases disposed of	Convictions	Acquittals	Nolle proseques	Abated or withdrawn	No. sentences to				Fines paid or secured	Insane Asylum	Reform School
						Death	Penitentiary	Hard Labor	Jail			
Abusive language	62	41	5	14	2	---	---	---	---	41	---	---
Adultery and fornication	16	12	1	3	---	---	---	2	---	10	---	---
Affray	9	8	1	---	---	---	---	---	---	8	---	---
Aiding escape	4	3	1	---	---	---	---	---	---	3	---	---
Assault and battery	16	10	3	3	---	---	---	---	10	---	---	---
Assault and battery with weapon	45	25	11	6	3	---	---	---	---	25	---	---
Assault, intent to murder	4	1	1	1	1	---	1	---	---	---	---	---
Bigamy	1	1	---	---	---	---	1	---	---	---	---	---
Burglary	12	10	---	2	---	---	9	---	1	1	---	---
Concealed weapons	69	40	11	9	9	---	---	3	---	38	---	---
Conspiracy	1	---	1	---	---	---	---	---	---	---	---	---
Contempt	1	1	---	---	---	---	---	---	---	1	---	---
Defacing public buildings	1	---	---	1	---	---	---	---	---	---	---	---
Defamation	4	2	1	1	---	---	---	---	1	2	---	---
Defaulting road hand	5	3	2	---	---	---	---	---	---	3	---	---
Disturbing religious worship	22	10	10	2	---	---	---	---	---	10	---	---
Disposing of property under lien	7	6	1	---	---	---	---	---	---	6	---	---
Disturbing females	4	4	---	---	---	---	---	---	---	4	---	---
Embezzlement	3	---	1	2	---	---	---	---	---	---	---	---
Escape	1	1	---	---	---	---	---	---	---	1	---	---
False pretense	5	1	---	3	1	---	---	---	1	1	---	---
Failure to obey writ of hab- eas corpus	3	---	---	3	---	---	---	---	---	---	---	---
Forgery, first degree	5	1	---	2	2	---	1	---	---	---	---	---
Forgery, third degree	2	1	1	---	---	---	---	---	1	1	---	---
Gaming	12	3	1	4	4	---	---	---	---	3	---	---
Injuring animals	1	1	---	---	---	---	---	---	---	1	---	---

CLAY COUNTY COURT.—Continued.

CHARACTER OF OFFENSE.	No. cases disposed of	Convictions	Acquittals	Nolle proseques	Abated or withdrawn	No. sentences to				Fines paid or secured	Insane Asylum	Reform School
						Death	Penitentiary	Hard Labor	Jail			
Incest -----	1	---	1	---	---	---	---	---	---	---	---	---
Larceny, grand -----	7	2	2	2	1	---	2	---	---	---	---	---
Larceny, petit -----	24	13	3	3	5	---	---	1	12	12	---	---
Malicious injury to animal-----	4	1	1	2	---	---	---	---	---	1	---	---
Murder, first degree-----	2	---	1	1	---	---	---	---	---	---	---	---
Murder, second degree-----	3	3	---	---	---	---	3	---	---	---	---	---
Perjury -----	3	1	---	1	1	1	---	---	---	---	---	---
Peace proceedings -----	1	---	1	---	---	---	---	---	---	---	---	---
Practicing medicine without a license -----	2	1	---	1	---	---	---	---	---	1	---	---
Presenting gun -----	6	2	1	3	---	---	---	---	---	2	---	---
Public drunkenness -----	43	28	5	7	3	---	---	1	---	27	---	---
Rape -----	2	2	---	---	---	---	2	---	---	---	---	---
Raffling -----	2	2	---	---	---	---	---	---	---	2	---	---
Seduction -----	1	---	---	1	---	---	---	---	---	---	---	---
Shooting into dwelling-----	1	---	---	1	---	---	---	---	---	---	---	---
Selling mortgaged property-----	16	9	5	2	---	---	---	---	---	9	---	---
Shooting across public road-----	5	2	---	3	---	---	---	---	---	2	---	---
Slander -----	1	---	---	1	---	---	---	---	---	---	---	---
Sodomy -----	1	---	1	---	---	---	---	---	---	---	---	---
Trespass after warning-----	14	4	4	6	---	---	---	---	---	4	---	---
Vagrancy -----	3	2	---	1	---	---	---	---	---	2	---	---
Violating game and fish law-----	13	8	1	4	---	---	---	---	---	8	---	---
Violating prohibition law-----	110	59	23	22	6	---	---	8	---	59	---	---
Violating revenue law-----	5	4	---	---	1	---	---	---	---	4	---	---
Violating Sunday law-----	1	---	---	1	---	---	---	---	---	---	---	---
Violating stock law-----	1	---	1	---	---	---	---	---	---	---	---	---
Violating written contract-----	10	8	1	---	1	---	---	2	---	6	---	---
Totals -----	597	336	103	118	40	20	18	15	308	---	---	---

Percentage of convictions in cases disposed of, 56.

Predominant crime, Violation of Prohibition Law.

CITY COURT OF GADSDEN.

L. B. Rainey, Solicitor.

CHARACTER OF OFFENSE.	No. cases disposed of	Convictions	Acquittals	Nolle proseques	Abated or withdrawn	No. sentences to				Fines paid or secured	Insane Asylum	Reform School
						Death	Penitentiary	Hard Labor	Jail			
Abusive language-----	17	10	2	5				2		8		
Adultery and fornication----	3		2	1								
Assault and battery-----	24	9	12	3				1		8		
Assault and battery with weapon -----	18	14	1	3				7		8		
Assault, intent to murder--	14	10	2	2			4	6				
Assault, intent to ravish--	4	2	2				2					
Bigamy -----	1	1						1				
Bribery -----	1		1									
Burglary -----	2	1		1			1					
Burglary and grand larceny--	1	1						1				
Carnal knowledge, girl over 12 -----	2			2								
Champerty -----	1		1									
Concealed weapons-----	9	8			1			1		7		
Cruelty to animals-----	3	2	1							2		
Decoying child-----	1			1								
Defacing public buildings--	1			1								
Defamation -----	3		2	1								
Disturbing religious worship	11	6	5					2		5		
Disposing of property under lien -----	3	1	2						1			
False pretense -----	6	2	2	1	1			2				
Forgery, first degree-----	1	1					1					
Forgery, third degree-----	1	1							1			
Injuring animal-----	1			1								
Incest -----	1			1								

CITY COURT OF GADSDEN.—*Continued.*

CHARACTER OF OFFENSE.	No. cases disposed of	Convictions	Acquittals	Nolle proseques	Abated or withdrawn	No. sentences to				Fines paid or secured	Insane Asylum	Reform School
						Death	Penitentiary	Hard Labor	Jail			
Larceny, grand-----	20	17	3				1	16				
Larceny, petit-----	6	4	2					3		1		
Malicious mischief-----	4	2		2				2				
Manslaughter, first degree-----	1		1									
Murder, first degree-----	9	8	1			2	6					
Murder, second degree-----	10	8	1		1		8					
Perjury-----	9	1	2	4	2			1				
Presenting gun-----	4	1	1	2				1				
Public drunkenness-----	22	14	1	7				2		12		
Rape-----	2	2					2					
Receiving stolen property-----	1	1						1				
Resisting officer-----	1		1									
Seduction-----	2		1	1								
Trespass after warning-----	2			2								
Uncoupling train-----	1	1						1				
Vagrancy-----	5	4	1					3		1		
Violating game and fish law-----	1			1								
Violating prohibition law-----	44	32	3	9				14		22		
Violating Sunday law-----	1			1								
Violating stock law-----	3	1	2							1		
Total-----	276	165	55	49	7	2	25	49	20	75		

Percentage of convictions in cases disposed of, 60.

Predominant crime, Violation of Prohibition Law.

HALE COUNTY LAW AND EQUITY COURT.—*Continued.*

CHARACTER OF OFFENSE.	No. cases disposed of	Convictions	Acquittals	Nolle proseques	Abated or withdrawn	No. sentences to				Fines paid or secured	Insane Asylum	Reform School
						Death	Penitentiary	Hard Labor	Jail			
Selling mortgaged property_	1	1	---	---	---	---	---	---	---	1	---	---
Shooting across public road_	1	---	1	---	---	---	---	---	---	---	---	---
Throwing missile at train_	1	1	---	---	---	---	---	---	---	1	---	---
Violating game and fish law	1	1	---	---	---	---	---	---	---	1	---	---
Violating prohibition law_	74	37	1	5	31	---	---	23	---	14	---	---
Violating Sunday law_	1	---	1	---	---	---	---	---	---	---	---	---
Total	288	211	6	32	39	3	25	72	---	111	---	---

Percentage of convictions in cases disposed of, 73.

Predominant crime, Violation of Prohibition Law.

CIRCUIT COURT OF JACKSON COUNTY.

John F. Proctor, Solicitor.

CHARACTER OF OFFENSE.	No. cases disposed of	Convictions	Acquittals	Nolle proseques	Abated or withdrawn	No. sentences to				Fines paid or secured	Insane Asylum	Reform School
						Death	Penitentiary	Hard Labor	Jail			
Abandonment -----	1			1								
Abusive language -----	15	10		5						10		
Assault -----	13	11	2							11		
Assault and battery with weapon -----	4	3		1						3		
Assault, intent to murder -----	2	1	1				1					
Assault, intent to ravish -----	1	1						1				
Bastardy -----	2			2								
Burglary -----	3	1	1	1			1					
Concealed weapons -----	28	13	2	12	1			2		11		
Concealing stolen property -----	1	1								1		
Defaulting road hand -----	12	10		2						10		
Disturbing religious worship -----	7	4		3						4		
Disposing of mortgaged prop- erty -----	1			1								
False pretense -----	3	1	1	1						1		
Gaming -----	3	2		1						2		
Gaming on Sunday -----	4	4								4		
Giving liquor to minor -----	4	1		3				1				
Kidnapping -----	1	1						1				
Larceny, grand -----	2		1	1								
Larceny, petit -----	15	11	1	3				6	3	9		
Manslaughter, first degree -----	2	1	1				1					
Murder, first degree -----	1	1					1					
Murder, second degree -----	6	4	2				4					
Practicing dentistry without a license -----	1	1								1		

CIRCUIT COURT OF JACKSON COUNTY.—*Continued.*

CHARACTER OF OFFENSE.	No. cases disposed of	Convictions	Acquittals	Nolle prosequies	Abated or withdrawn	No. sentences to				Fines paid or secured	Insane Asylum	Reform School
						Death	Penitentiary	Hard Labor	Jail			
Presenting gun.....	1	---	---	1	---	---	---	---	---	---	---	---
Public drunkenness.....	11	11	---	---	---	---	---	---	---	11	---	---
Robbery	1	1	---	---	---	---	1	---	---	---	---	---
Shooting across public road..	2	---	1	1	---	---	---	---	---	---	---	---
Unlawful injury to animal....	15	10	2	3	---	---	---	---	---	10	---	---
Violating automobile law....	1	1	---	---	---	---	---	---	---	1	---	---
Violating prohibition law....	38	18	4	16	---	---	---	3	---	15	---	---
Violating Sunday law.....	7	6	---	1	---	---	---	---	---	6	---	---
Violating stock law.....	7	---	---	7	---	---	---	---	---	---	---	---
Total	220	130	20	69	1	---	9	14	3	111	---	---

Percentage of convictions in cases disposed of, 59.

Predominant crime, Violation of Prohibition Law.

CRIMINAL COURT OF JEFFERSON COUNTY.

H. P. Heflin, Solicitor.

CHARACTER OF OFFENSE.	No. cases disposed of	No. sentences to							Fines paid or secured	Insane Asylum	Reform School
		Convictions	Acquittals	Nolle proseques	Abated or withdrawn	Death	Penitentiary	Hard Labor			
Abandonment -----	10		2	5	3						
Accessory after fact -----	1		1								
Abortion -----	2			2							
Abusive language -----	289	64	55	142	28			16	15	33	
Adultery and fornication -----	35	3	4	18	10			1	2		
Affray -----	30	10	2	17	1				2	8	
Allowing minor to play pool -----	4			1	3						
Aiding escape -----	1	1							1		
Aiding and abetting felony -----	1				1						
Arson -----	7	1		4	2		1				
Assault -----	33	14	4	10	5			7		7	
Assault and battery -----	395	91	75	180	49			27	23	41	
Assault and battery with weapon -----	449	129	69	203	48			79	17	33	
Assault, intent to murder -----	125	34	25	52	14		12	16	5	1	
Assault, intent to ravish -----	7	2	2	3			2				
Assault, intent to rob -----	6	3		3			2	1			
Attempt at burglary -----	9	5		2	2			4	1		
Attempt at larceny -----	2	2							1	1	
Blackmail -----	1				1						
Bribery -----	1			1							
Boycotting -----	3	1		1	1			1			
Bartering for office -----	1			1							
Bringing stolen property into State -----	2			2							
Bigamy -----	5	2	1	2			2				
Bestiality -----	4	1	2		1		1				

CRIMINAL COURT OF JEFFERSON COUNTY.—*Continued.*

CHARACTER OF OFFENSE.	No. cases disposed of	Convictions	Acquittals	Nolle proseques	Abated or withdrawn	No. sentences to				Fines paid or secured	Insane Asylum	Reform School
						Death	Penitentiary	Hard Labor	Jail			
Burglary	58	37	9	9	3	—	28	9	—	—	—	—
Burglary and grand larceny	189	102	19	46	17	—	73	28	1	—	—	—
Carnal knowledge, girl under 12	15	3	8	3	1	—	3	—	—	—	—	—
Changing name unlawfully ..	10	2	1	5	1	—	—	2	—	—	—	—
Concealed weapons	276	85	41	113	37	—	—	63	2	20	—	—
Conspiracy	3	—	—	2	1	—	—	—	—	—	—	—
Contempt	5	5	—	—	—	—	—	—	2	3	—	—
Cruelty to animals	10	—	2	6	2	—	—	—	—	—	—	—
Decoying child	15	—	9	6	—	—	—	—	—	—	—	—
Defacing public buildings ..	5	1	3	1	—	—	—	—	—	1	—	—
Defamation	30	1	4	18	7	—	—	—	1	—	—	—
Defaulting road hand	2	—	1	1	—	—	—	—	—	—	—	—
Disorderly conduct	1	—	—	1	—	—	—	—	—	—	—	—
Disturbing religious worship	14	3	2	7	2	—	—	—	—	3	—	—
Disposing of property under lien	1	—	1	—	—	—	—	—	—	—	—	—
Disposing of mortgaged prop- erty	12	1	—	8	3	—	—	—	1	—	—	—
Embezzlement	79	13	11	14	11	—	4	5	1	3	—	—
Escape	7	3	1	2	1	—	—	1	1	1	—	—
False pretense	106	32	7	50	17	—	2	27	2	1	—	—
Forgery, first degree	65	21	10	31	3	—	16	4	1	—	—	—
Forgery, third degree	1	1	—	—	—	—	—	1	—	—	—	—
Fraudulent conveyance	1	—	—	1	—	—	—	—	—	—	—	—
Gaming	570	88	100	343	39	—	—	26	15	47	—	—
Gaming on Sunday	1062	340	115	484	123	—	—	85	29	226	—	—
Giving away transfer	4	—	—	4	—	—	—	—	—	—	—	—
Issuing worthless check	11	—	2	6	3	—	—	—	—	—	—	—

CRIMINAL COURT OF JEFFERSON COUNTY.—Continued.

CHARACTER OF OFFENSE.	No. cases disposed of	Convictions	Acquittals	Nolle proseques	Abated or withdrawn	No. sentences to				Fines paid or secured	Insane Asylum	Reform School
						Death	Penitentiary	Hard Labor	Jail			
Keeping gaming table.....	28	6	9	12	1		1	4		1		
Keeping house of prostit'n.....	1	1							1			
Keeping sheep-killing dog.....	1		1									
Larceny, grand	340	182	44	83	31	113	61	1				
Larceny, petit	218	76	22	96	24		34	33	9			
Libel	11			2	9							
Lottery	1		1									
Mayhem	1				1							
Malicious mischief.....	29	2	5	16	6					2		
Malicious injury to animal.....	3	2			1				1	1		
Manslaughter, first degree.....	30	23	4	3			23					
Manslaughter, second degree.....	22	17	1	4				14	3			
Murder, first degree.....	102	13	41	22	26	2	11					
Murder, second degree.....	46	43	2	1			43					
Obstructing public road.....	2			2								
Owning house used for gambling	2		2									
Operating slot machine.....	11	3		4	4			1		2		
Perjury	17		2	11	4							
Poisoning stream	1		1									
Practicing medicine without a license	1				1							
Prize fighting	1			1								
Prostitution	4	2	2					2				
Presenting gun	64	8	13	33	10			5		3		
Public drunkenness	102	47	5	35	15			18	14	15		
Putting out poison.....	1				1							
Rape	7		4	3								
Receiving stolen property.....	56	9	9	25	13		3	3	3			

CRIMINAL COURT OF JEFFERSON COUNTY.—Continued.

CHARACTER OF OFFENSE.	No. cases disposed of	Convictions	Acquittals	Nolle proseques	Abated or withdrawn	No. sentences to				Fines paid or secured	Insane Asylum	Reform School
						Death	Penitentiary	Hard Labor	Jail			
Refusing to assist officer.....	1	1								1		
Resisting officer.....	6	1		3	2			1				
Robbery	54	24	12	16	2		24					
Seduction	3			3								
Selling cocaine	13	2		10	1			2				
Shooting into dwelling.....	7				7							
Selling cigarettes to minor..	3			3								
Shooting in public place....	4			3	1							
Selling mortgaged property..	1				1							
Selling horse with glanders..	1				1							
Shooting on Sunday.....	2	1		1						1		
Sodomy	1	1					1					
Temporary use of property..	9	1		4	4			1				
Throwing missile at train....	5	3		2				3				
Trespass after warning.....	73	5	15	41	12			2		3		
Unlawfully changing hog mark	1			1								
Unlawfully riding on train..	15	9	1	2	3			4	1	4		
Unlawfully connecting elec- tric wires	1			1								
Unlawfully furnishing liquor to prisoners.....	1			1								
Vagrancy	380	71	52	209	48			50	7	14		
Violating automobile law....	2	1		1						1		
Violating game and fish law	1		1									
Violating prohibition law....	417	16	12	358	31			3		13		
Violating revenue law.....	1407	75	65	1178	89			41	4	30		
Violating Sunday law.....	30	2	6	12	10					2		
Violating stock law.....	3		1	1	1							

CRIMINAL COURT OF JEFFERSON COUNTY.—*Continued.*

CHARACTER OF OFFENSE.	No. cases disposed of	Convictions	Acquittals	Nolle proseques	Abated or withdrawn	No. sentences to				Fines paid or secured	Insane Asylum	Reform School
						Death	Penitentiary	Hard Labor	Jail			
Violating insurance law----	4	---	1	3	---	---	---	---	---	---	---	---
Violating mining law-----	17	9	2	5	1	---	---	---	1	8	---	---
Violating oyster law-----	1	---	---	---	1	---	---	---	---	---	---	---
Violating speed law-----	11	3	---	6	2	---	---	---	---	3	---	---
Violating pure food and drug law -----	9	1	---	8	---	---	---	---	---	1	---	---
Violating pharmacy law----	3	---	---	3	---	---	---	---	---	---	---	---
Total -----	7561	1761	924	4070	806	2	365	659	191	544	---	---

Percentage of convictions in cases disposed of, 24.

Predominant crime, Violating Revenue Law.

LEE COUNTY LAW AND EQUITY COURT.

C. A. L. Samford, Solicitor.

CHARACTER OF OFFENSE.	No. cases disposed of	Convictions	Acquittals	Nolle proseques	Abated or withdrawn	No. sentences to				Fines paid or secured	Insane Asylum	Reform School
						Death	Penitentiary	Hard Labor	Jail			
Abusive language.....	79	50	4	25	---	---	---	8	---	42	---	---
Adultery and fornication...	15	7	4	4	---	---	---	4	---	3	---	---
Affray	3	3	---	---	---	---	---	2	---	1	---	---
Arson, first degree.....	2	1	1	---	---	---	1	---	---	---	---	---
Arson, second degree.....	2	1	---	1	---	---	1	---	---	---	---	---
Assault and battery.....	129	94	7	28	---	---	---	16	---	82	---	---
Assault, intent to murder...	4	2	1	1	---	---	2	---	---	---	---	---
Assault, intent to ravish....	3	1	---	2	---	---	1	---	---	---	---	---
Attempt to commit a felony...	2	1	---	1	---	---	---	1	---	---	---	---
Bastardy	6	5	---	1	---	---	---	2	---	3	---	---
Burglary	22	19	1	2	---	---	18	---	---	---	---	1
Carnal knowledge, girl over 12	1	1	---	---	---	---	---	---	---	1	---	---
Concealed weapons.....	65	47	4	13	1	---	---	14	---	33	---	---
Concealing stolen property...	2	2	---	---	---	---	---	---	---	2	---	---
Cruelty to animals.....	9	7	1	1	---	---	---	---	---	7	---	---
Defamation	1	1	---	---	---	---	---	---	---	1	---	---
Defaulting road hand.....	16	8	2	6	---	---	---	---	---	8	---	---
Disturbing religious worship	9	2	1	6	---	---	---	---	---	2	---	---
Disposing of property under lien	1	1	---	---	---	---	1	---	---	---	---	---
Disposing of mortgaged prop- erty	15	5	2	7	1	---	---	---	---	5	---	---
Disturbing public assembly...	3	---	1	2	---	---	---	---	---	---	---	---
Embezzlement	4	3	1	---	---	---	---	1	---	2	---	---
Escape	1	1	---	---	---	---	---	1	---	---	---	---

LEE COUNTY LAW AND EQUITY COURT.—*Continued.*

CHARACTER OF OFFENSE.	No. cases disposed of	Convictions	Acquittals	Nolle proseques	Abated or withdrawn	No. sentences to				Fines paid or secured	Insane Asylum	Reform School
						Death	Penitentiary	Hard Labor	Jail			
False pretense.....	16	9		7				2		6		1
Gaming	1	1								1		
Gaming on Sunday.....	15	14		1				2		14		
Intimidating	1			1								
Larceny, grand.....	11	7	3	1			7					
Larceny, petit.....	67	40	9	18				13		24		3
Malicious injury to animal..	7	5		2						5		
Malicious injury to property	2	1		1						1		
Manslaughter, second degree	1	1						1				
Murder, first degree.....	6	4	2			2	2					
Murder, second degree.....	2	2					2					
Obtaining board by fraud....	1			1								
Perjury	1				1							
Practicing medicine without a license	1	1								1		
Presenting gun.....	15	8	3	4				3		5		
Public drunkenness.....	25	23	1	1				4		19		
Receiving stolen property....	1			1								
Reckless driving.....	2	2								2		
Selling cocaine.....	1	1								1		
Selling mortgaged property..	3	2		1						2		
Shooting across public road..	6	3	1	2				1		2		
Temporary use of animal....	3	1	2							1		
Trespass after warning.....	13	5	4	4				3		2		
Unlawfully riding on train..	31	30		1				24		6		
Vagrancy	46	34	1	11				21		8		5
Violating court contract....	6	4	1	1				2		2		
Violating game and fish law	8	6	1	1						6		

LEE COUNTY LAW AND EQUITY COURT.—*Continued.*

CHARACTER OF OFFENSE.	No. cases disposed of	Convictions	Acquittals	Nolle prosequies	Abated or withdrawn	No. sentences to				Fines paid or secured	Insane Asylum	Reform School
						Death	Penitentiary	Hard Labor	Jail			
Violating prohibition law---	63	47	4	11	1	---	---	38	1	8	---	---
Violating revenue law-----	1	---	---	1	---	---	---	---	---	---	---	---
Violating Sunday law-----	6	3	---	3	---	---	---	1	---	2	---	---
Violating stock law-----	3	2	---	1	---	---	---	---	---	2	---	---
Violating sunrise and sunset law -----	1	1	---	---	---	---	---	---	---	1	---	---
Total -----	764	520	63	177	4	2	35	164	1	313	---	9

Percentage of convictions in cases disposed of, 68.

Predominant crime, Assault and Battery.

MADISON COUNTY LAW AND EQUITY COURT.

Z. I. Drake, Solicitor.

CHARACTER OF OFFENSE.	No. cases disposed of	Convictions	Acquittals	Nolle proseques	Abated or withdrawn	No. sentences to				Fines paid or secured	Insane Asylum	Reform School
						Death	Penitentiary	Hard Labor	Jail			
Abusive language	22	11	2	9						11		
Adultery and fornication...	2		1	1								
Arson, second degree	1	1					1					
Assault and battery	16	13	2	1				6		7		
Assault and battery with weapon	9	7	1	1				1		6		
Assault, intent to murder...	13	5	3	4	1		1	4		1		
Assault, intent to ravish...	1	1					1					
Bigamy	2	2					1	1				
Burglary	2	2						2				
Concealed weapons	31	23	5	3				9		15		
Cutting timber from land of another	1		1									
Cruelty to animals	5	2		3						2		
Defacing public buildings...	2		1		1							
Defamation	1				1							
Defaulting road hand	3		3									
Disturbing religious worship	2			2								
Disposing of mortgaged prop- erty	5	2	2	1						2		
Embezzlement	2	2								2		
Extortion	1				1							
False pretense	4	3		1				1		2		
Gaming	4			3	1							
Gaming on Sunday	4		3	1								
Injuring property	1		1									
Larceny, grand	11	6	3	2			2	4				

MADISON COUNTY LAW AND EQUITY COURT.—Continued.

CHARACTER OF OFFENSE.	No. cases disposed of	Convictions	Acquittals	Nolle proseques	Abated or withdrawn	No. sentences to				Fines paid or secured	Insane Asylum	Reform School
						Death	Penitentiary	Hard Labor	Jail			
Larceny, petit.....	9	7	2					3		4		
Malicious mischief.....	1	1								1		
Manslaughter, first degree....	3	3					1	2				
Manslaughter, second degree....	5	5							2	3		
Murder, second degree.....	3	3					3					
Perjury.....	2			2								
Presenting gun.....	2	1	1							1		
Public drunkenness.....	19	9	3	7						9		
Reckless driving.....	2	1		1						1		
Resisting officer.....	2		1	1								
Selling diseased meat.....	2	1	1							1		
Shooting across public road....	6	4	1	1				1		3		
Trespass after warning.....	1		1									
Unlawfully riding on train....	1			1								
Unlawfully contracting with city.....	2				2							
Vagrancy.....	1				1							
Violating automobile law....	1		1									
Violating election law.....	51		12		39							
Violating game and fish law....	1			1							1	
Violating prohibition law....	49	21	12	15	1			7		14		
Violating stock law.....	19			4	15							
Total.....	327	136	63	64	64	10	41	2	84			

Percentage of convictions in cases disposed of, 42.

Predominant crime, Violation of Prohibition Law.

COUNTY COURT OF MARION.

R. W. Quinn, Solicitor.

CHARACTER OF OFFENSE.	No. cases disposed of	Convictions	Acquittals	Nolle proseques	Abated or withdrawn	No. sentences to				Fines paid or secured	Insane Asylum	Reform School
						Death	Penitentiary	Hard Labor	Jail			
Abusive language -----	34	16	3	15	--	--	--	--	--	16	--	--
Arson, third degree-----	1	--	--	1	--	--	--	--	--	--	--	--
Assault -----	3	1	1	1	--	--	--	--	--	1	--	--
Assault and battery-----	10	2	1	7	--	--	--	--	--	2	--	--
Assault and battery with weapon -----	25	11	2	12	--	--	--	--	--	11	--	--
Assault, intent to murder--	6	--	1	5	--	--	--	--	--	--	--	--
Assault, intent to ravish---	2	1	--	1	--	--	--	1	--	--	--	--
Bigamy -----	1	--	--	1	--	--	--	--	--	--	--	--
Burglary -----	2	2	--	--	--	--	--	--	--	2	--	--
Concealed weapons-----	26	14	2	10	--	--	--	1	--	14	--	--
Defamation -----	4	--	1	3	--	--	--	--	--	--	--	--
Defaulting road hand-----	3	1	--	2	--	--	--	--	--	1	--	--
Disturbing religious worship	10	7	1	2	--	--	--	--	--	1	--	--
False pretense -----	7	2	1	4	--	--	--	--	--	2	--	--
Forgery, third degree-----	1	--	--	1	--	--	--	--	--	--	--	--
Gaming -----	7	4	--	3	--	--	--	--	--	4	--	--
Indecent exposure of person	1	--	--	1	--	--	--	--	--	--	--	--
Issuing worthless checks---	1	--	--	1	--	--	--	--	--	--	--	--
Injuring telephone wires---	1	1	--	--	--	--	--	--	--	1	--	--
Larceny, grand-----	1	--	--	1	--	--	--	--	--	--	--	--
Larceny, petit-----	7	3	--	4	--	--	--	2	--	1	--	--
Libel -----	1	--	--	1	--	--	--	--	--	--	--	--
Malicious mischief -----	2	--	--	2	--	--	--	--	--	--	--	--
Obtaining board by fraud---	3	--	1	2	--	--	--	--	--	--	--	--
Perjury -----	2	--	--	2	--	--	--	--	--	--	--	--
Presenting gun -----	3	1	2	--	--	--	--	--	--	1	--	--

COUNTY COURT OF MARION.—*Continued.*

CHARACTER OF OFFENSE.	No. cases disposed of	Convictions	Acquittals	Nolle proseques	Abated or withdrawn	No. sentences to				Fines paid or secured	Insane Asylum	Reform School
						Death	Penitentiary	Hard Labor	Jail			
Public drunkenness.....	28	21	---	7	---	---	---	---	---	21	---	---
Resisting Officer.....	3	1	1	1	---	---	---	---	---	1	---	---
Selling mortgaged property..	2	---	1	1	---	---	---	---	---	---	---	---
Slander	1	---	---	1	---	---	---	---	---	---	---	---
Trading choking mule.....	3	---	---	3	---	---	---	---	---	---	---	---
Trading mortgaged property	2	---	---	2	---	---	---	---	---	---	---	---
Trespass after warning.....	1	---	---	1	---	---	---	---	---	---	---	---
Vagrancy	1	---	---	1	---	---	---	---	---	---	---	---
Violating prohibition law....	38	18	6	14	---	---	---	---	---	18	---	---
Violating Sunday law.....	2	---	1	1	---	---	---	---	---	---	---	---
Violating stock law.....	1	---	1	---	---	---	---	---	---	---	---	---
Total	246	106	26	114	---	---	---	4	---	103	---	---

Percentage of convictions in cases disposed of, 44.

Predominant crime, Violation of Prohibition Law.

LAW AND EQUITY COURT OF MARENGO COUNTY.

B. G. Wilson, Solicitor.

CHARACTER OF OFFENSE.	No. cases disposed of	Convictions	Acquittals	Nolle proseques	Abated or withdrawn	No. sentences to				Fines paid or secured	Insane Asylum	Reform School
						Death	Penitentiary	Hard Labor	Jail			
Abusive letter	1		1									
Abusive language	6	3	3					1		2		
Adultery and fornication	3		2	1								
Arson, first degree	1		1									
Arson, second degree	1	1					1					
Assault and battery	51	36	4	11						36		
Assault and battery with weapon	1			1								
Assault, intent to murder	2		1		1							
Burglary	13	9	1	3			7	2				
Carnal knowledge, girl over 12	1	1								1		
Concealed weapons	25	15	1	9				3		12		
Destroying fence	2	2								2		
Disturbing religious worship	2			2								
Disposing of mortgaged prop- erty	4			3	1							
Enticing labor	1			1								
False pretense	4	3		1						3		
Forgery, first degree	4		1	3								
Gaming	34	10	4	20						10		
Injuring animals	1			1								
Keeping gaming table	1			1								
Larceny, grand	22	15	2	5			7	8				
Larceny, petit	16	13		3						13		
Malicious mischief	1	1								1		
Manslaughter, first degree	2	2				2						

LAW AND EQUITY COURT OF MARENGO COUNTY.—*Continued.*

CHARACTER OF OFFENSE.	No. cases disposed of					No. sentences to				Fines paid or secured	Insane Asylum	Reform School
		Convictions	Acquittals	Nolle prosequies	Abated or withdrawn	Death	Penitentiary	Hard Labor	Jail			
Murder, first degree.....	4	2	2				2					
Murder, second degree.....	3	3					3					
Presenting gun.....	1	1								1		
Public drunkenness.....	3	3						1		2		
Rape	4		1	2	1							
Receiving stolen property....	4	2		1	1					2		
Resisting officer	1			1								
Shooting into dwelling.....	1	1								1		
Shooting across public road..	1	1								1		
Temporary use of animal....	1	1								1		
Trespass after warning.....	3	2		1						2		
Violating court contract.....	1			1								
Violating prohibition law....	39	17	8	14						17		
Total	265	144	32	85	4		22	15		107		

Percentage of convictions in cases disposed of, 54.

Predominant crime, Assault and Battery.

CITY COURT OF MOBILE.

Norborne R. Clarke, Solicitor.

CHARACTER OF OFFENSE.	No. cases disposed of	Convictions	Acquittals	Nolle proseques	Abated or withdrawn	No. sentences to				Fines paid or secured	Insane Asylum	Reform School
						Death	Penitentiary	Hard Labor	Jail			
Abusive language-----	19	14	3	2				3	1	10		
Adultery and fornication---	2		2									
Affray -----	6			4	2							
Arson, first degree-----	1		1									
Assault and battery-----	51	28	9	12	2			17	4	7		
Assault and battery with weapon -----	24	16	6	2				10	3	3		
Assault, intent to murder---	15	11	2	2			8			3		
Assault, intent to rob-----	2		1	1								
Bigamy -----	1		1									
Burglary -----	75	55	10	7	3		37	18				
Burglary in railroad car----	6	5	1				2	3				
Carnal knowledge, girl un- der 12-----	3	3					3					
Carnal knowledge, girl over 12 years-----	1	1						1				
Concealed weapons-----	19	13	4	2				8	2	3		
Concealing stolen property---	2	1	1				1					
Decoying child-----	3		1	2								
Embezzlement -----	21	4	3	12	2		2	1	1			
Escape -----	2	2						2				
Enticing labor-----	1			1								
Failing to repair public road	1			1								
False pretenses-----	14	5	4	4	1		1	1	3			
Forgery, first degree-----	3	1		2			1					
Forgery, second degree-----	9	6		3			3	3				
Gaming -----	4	3		1						3		

[illegible]

CITY COURT OF MOBILE.—*Continued.*

CHARACTER OF OFFENSE.	No. cases disposed of	Convictions	Acquittals	Nolle prosequies	Abated or withdrawn	No. sentences to				Fines paid or secured	Insane Asylum	Reform School
						Death	Penitentiary	Hard Labor	Jail			
Vagrancy	24	9	6	9	—	—	—	3	5	2	—	—
Violating automobile law...	2	2	—	—	—	—	—	—	1	1	—	—
Violating game and fish law	9	—	6	3	—	—	—	—	—	—	—	—
Violating prohibition law...	46	21	15	9	1	—	—	8	3	10	—	—
Violating revenue law.....	17	8	3	5	1	—	—	3	2	3	—	—
Violating stock law.....	1	—	1	—	—	—	—	—	—	—	—	—
Violating harbor law.....	1	—	1	—	—	—	—	—	—	—	—	—
Violating oyster law.....	9	5	1	3	—	—	—	—	1	4	—	—
Violating health law.....	2	—	1	1	—	—	—	—	—	—	—	—
Violating food and drug law	1	—	—	1	—	—	—	—	—	—	—	—
Violating juvenile law.....	3	—	—	3	—	—	—	—	—	—	—	—
Total	639	359	132	133	15	—	112	161	33	54	—	—

Percentage of convictions in cases disposed of, 56.

Predominant crime, grand larceny.

[illegible]

CITY COURT OF MONTGOMERY.—Continued.

CHARACTER OF OFFENSE.	No. cases disposed of					No. sentences to				Fines paid or secured	Insane Asylum	Reform School
		Convictions	Acquittals	Nolle proseques	Abated or withdrawn	Death	Penitentiary	Hard Labor	Jail			
Larceny, grand.....	133	91	18	20	4	—	56	35	—	—	—	—
Larceny, petit.....	22	18	7	2	—	—	—	4	—	14	—	—
Malicious mischief.....	2	1	—	1	—	—	—	—	—	1	—	—
Manslaughter, first degree.....	7	7	—	—	—	—	7	—	—	—	—	—
Manslaughter, second degree.....	2	2	—	—	—	—	—	1	—	1	—	—
Miscegenation.....	2	—	1	1	—	—	—	—	—	—	—	—
Murder, first degree.....	26	12	9	5	—	5	7	—	—	—	—	—
Murder, second degree.....	13	9	2	2	—	—	9	—	—	—	—	—
Operating slot machine.....	4	3	—	1	—	—	—	—	—	3	—	—
Perjury.....	3	—	1	2	—	—	—	—	—	—	—	—
Presenting gun.....	9	3	5	1	—	—	—	2	—	1	—	—
Public drunkenness.....	2	—	1	1	—	—	—	—	—	—	—	—
Rape.....	2	2	—	—	—	—	2	—	—	—	—	—
Receiving stolen property.....	8	1	1	6	—	—	—	1	—	—	—	—
Removing mortgaged prop- erty.....	7	3	1	3	—	—	—	3	—	—	—	—
Resisting officer.....	3	2	—	1	—	—	—	1	—	1	—	—
Robbery.....	5	2	—	3	—	—	2	—	—	—	—	—
Selling examination papers.....	1	—	—	1	—	—	—	—	—	—	—	—
Shooting across public road.....	5	2	—	3	—	—	—	—	—	2	—	—
Sodomy.....	1	1	—	—	—	—	1	—	—	—	—	—
Taking girl under 18 for prostitution.....	1	—	—	1	—	—	—	—	—	—	—	—
Temporary use of animal.....	1	1	—	—	—	—	—	—	—	1	—	—
Throwing missile at train.....	1	—	1	—	—	—	—	—	—	—	—	—
Trespass after warning.....	2	1	—	1	—	—	—	1	—	—	—	—
Vagrancy.....	5	—	2	2	1	—	—	—	—	—	—	—
Violating automobile law.....	4	2	1	1	—	—	—	—	—	2	—	—

CITY COURT OF MONTGOMERY.—*Continued.*

CHARACTER OF OFFENSE.	No. cases disposed of	Convictions	Acquittals	Nolle proseques	Abated or withdrawn	No. sentences to				Fines paid or secured	Insane Asylum	Reform School
						Death	Penitentiary	Hard Labor	Jail			
Violating game and fish law	4	4	---	---	---	---	---	---	---	4	---	---
Violating prohibition law---	112	53	15	43	1	---	---	23	---	30	---	---
Violating revenue law-----	13	---	1	12	---	---	---	---	---	---	---	---
Violating Sunday law-----	1	---	---	1	---	---	---	---	---	---	---	---
Violating written contract---	9	6	---	3	---	---	---	4	---	2	---	---
Violating junk law-----	4	---	---	4	---	---	---	---	---	---	---	---
Violating quarantine law---	5	5	---	---	---	---	---	---	---	5	---	---
Violating food and drug law	2	1	1	---	---	---	---	1	---	---	---	---
Total -----	872	512	120	227	13	5	180	175	---	152	---	---

Percentage of convictions in cases disposed of, 59.

Predominant crime, Grand Larceny.

MONROE COUNTY LAW AND EQUITY COURT.—Continued.

CHARACTER OF OFFENSE.	No. cases disposed of	Convictions	Acquittals	Nolle proseques	Abated or withdrawn	No. sentences to				Fines paid or secured	Insane Asylum	Reform School
						Death	Penitentiary	Hard Labor	Jail			
Removing mortgaged property -----	1			1								
Selling mortgaged property -----	5	1	1	3						1		
Shooting across public road -----	1	1								1		
Slander -----	1		1									
Trespass after warning -----	1		1									
Vagrancy -----	1		1									
Violating game and fish law -----	1		1									
Violating prohibition law -----	16	4	5	2	5			1		3		
Violating Sunday law -----	9	8		1						8		
Total -----	137	56	27	43	11		1	6	4	49		

Percentage of convictions in cases disposed of, 48.

Predominant crime, Assault and Battery with Weapon.

MORGAN COUNTY LAW AND EQUITY COURT.

Melvin Hulston, Solicitor.

CHARACTER OF OFFENSE.	No. cases disposed of	Convictions	Acquittals	Nolle proseques	Abated or withdrawn	No. sentences to				Fines paid or secured	Insane Asylum	Reform School
						Death	Penitentiary	Hard Labor	Jail			
Abandonment -----	1	1						1				
Abusive language -----	45	19	4	18	4			4		15		
Adultery and fornication -----	9		1	8								
Aiding escape -----	4	1		1	2		1					
Assault -----	45	20	3	20	2			7		13		
Assault and battery -----	10	7	2		1			3		4		
Assault and battery with weapon -----	16	6	2	6	2					6		
Assault, intent to murder -----	9	3		6			1	2				
Assault, intent to ravish -----	4	1	2	1				1				
Assault, intent to rob -----	1	1					1					
Bribery -----	5	2	2	1			2					
Bastardy -----	1			1								
Burglary -----	23	13	2	6	2		3	10				
Concealed weapons -----	35	21	4	9	1			10		11		
Concealing stolen property -----	2	1		1						1		
Conspiracy -----	1	1					1					
Cruelty to animals -----	2		1	1								
Defaulting road hand -----	4		1	3								
Destroying fence -----	1		1									
Disturbing religious worship -----	16	7	3	6				1		6		
Embezzlement -----	1			1								
Escape -----	2	2						2				
False pretense -----	3	2	1					1		1		
Forgery, first degree -----	1	1					1					
Gaming -----	14	6	1	7				1		5		
Gaming on Sunday -----	2	1			1					1		
Larceny, grand -----	28	19	2	5	2		8	11				
Larceny, petit -----	19	14	2	2	1			12		2		
Manslaughter -----	4	4					4					

MORGAN COUNTY LAW AND EQUITY COURT.—Continued.

CHARACTER OF OFFENSE.	No. cases disposed of	Convictions	Acquittals	Nolle proseques	Abated or withdrawn	No. sentences to				Fines paid or secured	Insane Asylum	Reform School
						Death	Penitentiary	Hard Labor	Jail			
Murder, first degree-----	6	2	3	1	---	1	1	---	---	---	---	---
Murder, second degree-----	1	1	---	---	---	1	---	---	---	---	---	---
Obtaining board by fraud--	1	1	---	---	---	---	---	1	---	---	---	---
Perjury-----	1	---	---	1	---	---	---	---	---	---	---	---
Presenting gun-----	7	2	3	2	---	---	---	---	---	2	---	---
Public drunkenness-----	16	10	3	2	1	---	---	2	---	8	---	---
Putting out poison-----	1	---	---	---	1	---	---	---	---	---	---	---
Removing boundary mark--	1	1	---	---	---	---	---	1	---	---	---	---
Resisting officer-----	4	2	---	2	---	---	---	2	---	---	---	---
Robbery-----	4	1	---	2	1	---	1	---	---	---	---	---
Seduction-----	3	---	---	2	1	---	---	---	---	---	---	---
Shooting into dwelling-----	2	1	---	---	1	---	---	1	---	---	---	---
Selling cigarettes to minor--	1	1	---	---	---	---	---	---	---	1	---	---
Selling mortgaged property--	4	2	---	2	---	---	1	1	---	---	---	---
Shooting across public road	10	4	4	2	---	---	---	1	---	3	---	---
Slander-----	2	---	---	2	---	---	---	---	---	---	---	---
Sodomy-----	1	1	---	---	---	---	1	---	---	---	---	---
Trespass after warning-----	9	2	1	2	4	---	---	---	---	2	---	---
Train wrecking-----	1	---	1	---	---	---	---	---	---	---	---	---
Unlawfully riding on train--	76	58	1	17	---	---	---	58	---	---	---	---
Vagrancy-----	44	12	7	18	7	---	---	5	---	7	---	---
Violating automobile law----	1	---	---	1	---	---	---	---	---	---	---	---
Violating game and fish law	1	---	---	1	---	---	---	---	---	---	---	---
Violating prohibition law----	167	77	19	59	12	---	---	50	1	26	---	---
Violating revenue law-----	7	---	---	7	---	---	---	---	---	---	---	---
Violating Sunday law-----	1	---	---	---	1	---	---	---	---	---	---	---
Violating stock law-----	3	1	2	---	---	---	---	---	---	1	---	---
Keeping screens-----	9	---	---	---	9	---	---	---	---	---	---	---
Total-----	693	332	78	227	56	1	27	188	1	115	---	---

Percentage of convictions in cases disposed of, 48.

Predominant crime, Violating Prohibition Law.

CITY COURT OF SELMA.

J. F. Thompson, Solicitor.

R. H. Mangum, Deputy Solicitor.

CHARACTER OF OFFENSE.	No. cases disposed of	Convictions	Acquittals	Nolle proseques	Abated or withdrawn	No. sentences to				Fines paid or secured	Insane Asylum	Reform School
						Death	Penitentiary	Hard Labor	Jail			
Abusive language	1			1								
Arson, first degree	1		1									
Assault and battery	4	3		1				1		2		
Assault and battery with weapon	6	3	2	1				2		1		
Assault, intent to murder...	9	6	2	1			6					
Bigamy	2			2								
Burglary	3	2			1			2				
Concealed weapons	14	11		3				7		4		
Embezzlement	5			5								
False pretense	1			1								
Forgery, second degree	1	1						1				
Gaming on Sunday	1			1								
Larceny, grand	10	5	1	4				5				
Larceny, petit	5	4			1			2		2		
Manslaughter, first degree...	4	4					3	1				
Manslaughter, second degree	1	1						1				
Murder, first degree	5	2	2	1			1				1	
Murder, second degree	4	3		1			3					
Presenting gun	4	2	1	1						2		
Public drunkenness	1	1								1		
Receiving stolen property...	3	1		2						1		
Selling mortgaged property...	2			2								
Temporary use of animal...	1	1						1				
Unlawfully killing animal...	2	1	1							1		
Violating game and fish law	1	1						1				
Violating prohibition law...	19	12		2	5			5		7		
Total	110	64	10	29	7	13	29			21	1	

Percentage of convictions in cases disposed of, 58.

Predominant crime, Violation Prohibition Law.

COUNTY COURT OF SHELBY.

J. J. Haynes, Solicitor.

CHARACTER OF OFFENSE.	No. cases disposed of	Convictions	Acquittals	Nolle prosequies	Abated or withdrawn	No. sentences to				Fines paid or secured	Insane Asylum	Reform School
						Death	Penitentiary	Hard Labor	Jail			
Abusive language	51	38		13				4		34		
Adultery and fornication	10	3	2	5				2		1		
Allowing minor to play pool	1			1								
Aiding escape	4	3		1				2		1		
Arson, third degree	1	1						1				
Assault and battery	15	10	4	1				1		9		
Assault and battery with weapon	47	39	2	6				5		34		
Assault, intent to murder	8	4	2	2			3	1				
Betting at cards	11	8		3				5		3		
Burglary	13	9	4				7	2				
Concealed weapons	43	24	3	16				6		18		
Cutting timber from land of another	2			2								
Cruelty to animals	1			1								
Decoying child	1	1								1		
Defacing public buildings	1	1								1		
Defamation	4		1	3								
Defaulting road hand	1	1								1		
Disturbing religious worship	6	4		2						4		
Disposing of mortgaged prop- erty	1		1									
Escape	1	1						1				
False pretense	4			4								
Gaming	12	6	1	5				4		2		
Giving liquor to minor	1			1								
Issuing worthless check	1	1						1				

COUNTY COURT OF SHELBY.—Continued.

CHARACTER OF OFFENSE.	No. cases disposed of	Convictions	Acquittals	Nolle prosequies	Abated or withdrawn	No. sentences to				Fines paid or secured	Insane Asylum	Reform School
						Death	Penitentiary	Hard Labor	Jail			
Larceny, grand-----	8	7	---	1	---	---	1	6	---	---	---	---
Larceny, petit-----	16	13	---	3	---	---	---	3	---	10	---	---
Libel -----	1	---	---	1	---	---	---	---	---	---	---	---
Malicious mischief -----	2	---	---	2	---	---	---	---	---	---	---	---
Manslaughter, second degree-----	2	1	1	---	---	---	---	---	---	1	---	---
Murder, second degree-----	10	9	1	---	---	---	9	---	---	---	---	---
Presenting gun-----	4	3	1	---	---	---	---	1	---	2	---	---
Public drunkenness -----	19	17	---	2	---	---	---	3	---	14	---	---
Resisting officer-----	1	---	---	1	---	---	---	---	---	---	---	---
Robbery -----	3	3	---	---	---	---	3	---	---	---	---	---
Selling mortgaged property-----	1	1	---	---	---	---	---	1	---	---	---	---
Shooting across public road-----	2	1	---	1	---	---	---	---	---	1	---	---
Throwing missile at train-----	2	2	---	---	---	---	---	---	---	2	---	---
Trespass after warning-----	16	6	2	8	---	---	---	2	---	4	---	---
Unlawful injury to animal-----	1	---	1	---	---	---	---	---	---	---	---	---
Unlawfully riding on train-----	31	31	---	---	---	---	---	24	---	7	---	---
Unlawfully signalling train-----	1	1	---	---	---	---	---	1	---	---	---	---
Vagrancy -----	1	1	---	---	---	---	---	---	---	1	---	---
Violating convict contract-----	1	---	---	1	---	---	---	---	---	---	---	---
Violating game and fish law-----	1	---	---	1	---	---	---	---	---	---	---	---
Violating prohibition law-----	86	46	8	32	---	---	---	6	---	41	---	---
Violating mine law-----	5	5	---	---	---	---	---	---	---	5	---	---
Total -----	454	301	34	119	---	---	24	82	---	195	---	---

Percentage of convictions in cases disposed of, 65.

Predominant crime, Violation of Prohibition Law.

COUNTY COURT OF SUMTER COUNTY.

James A. Mitchell, Solicitor.

CHARACTER OF OFFENSE.	No. cases disposed of	Convictions	Acquittals	Nolle proseques	Abated or withdrawn	No. sentences to				Fines paid or secured	Insane Asylum	Reform School
						Death	Penitentiary	Hard Labor	Jail			
Abandonment -----	2		1	1								
Abusive language -----	7	3	2	2						3		
Adultery and fornication -----	2		1	1								
Assault and battery -----	10	8	1	1						8		
Assault and battery with weapon -----	44	36	2	6				9		27		
Attempt at burglary -----	1	1								1		
Carnal knowledge, girl over 12 -----	1	1								1		
Concealed weapons -----	21	12	3	6				3		9		
Cruelty to animals -----	1			1								
Disturbing religious worship -----	3	3								3		
Embezzlement -----	4	2		2						2		
Escape -----	1	1						1				
False pretense -----	3	1	1	1						1		
Gaming -----	8	7		1				1		6		
Gaming on Sunday -----	2	2								2		
Gaming in public place -----	1	1								1		
Larceny, petit -----	13	11		2				3		8		
Presenting gun -----	5	5								5		
Public drunkenness -----	16	11	2	3				1		10		
Resisting officer -----	2	2						2				
Trespass after warning -----	5	2	3							2		
Unlawfully riding on train -----	1			1								
Vagrancy -----	4	4						2		2		
Violating court contract -----	1	1						1				

COUNTY COURT OF SUMTER COUNTY.—*Continued.*

CHARACTER OF OFFENSE.	No. cases disposed of	Convictions	Acquittals	Nolle prosequies	Abated or withdrawn	No. sentences to				Fines paid or secured	Insane Asylum	Reform School
						Death	Penitentiary	Hard Labor	Jail			
Violating game and fish law	4	2	---	2	---	---	---	---	---	2	---	---
Violating prohibition law---	103	82	8	12	1	---	---	22	---	6	---	---
Violating stock law-----	2	---	---	---	2	---	---	---	---	---	---	---
Violating written contract--	4	---	1	2	1	---	---	---	---	---	---	---
Violating insurance law----	4	1	---	3	---	---	---	---	---	1	---	---
Violating quarantine law----	9	6	1	2	---	---	---	---	---	6	---	---
Total -----	284	205	26	49	4	---	---	45	---	160	---	---

Percentage of convictions in cases disposed of, 72.

Predominant crime, Violation of Prohibition Law.

CITY COURT OF TALLADEGA.

Marion H. Sims, Solicitor.

CHARACTER OF OFFENSE.	No. cases disposed of	Convictions	Acquittals	Nolle prosequies	Abated or withdrawn	No. sentences to				Fines paid or secured	Insane Asylum	Reform School
						Death	Penitentiary	Hard Labor	Jail			
Abusive language.....	21	19		2				4		15		
Adultery and fornication.....	4	4						2		2		
Affray	2		1	1								
Aiding escape.....	1	1						1				
Assault and battery.....	8	6		2				1		5		
Assault and battery with weapon	50	40	1	9				10	1	29		
Assault, intent to murder.....	7	6		1			4	2				
Assault, intent to ravish.....	4	2		2			2					
Bigamy	2	2					2					
Burglary	6	5	1				5					
Concealed weapons.....	43	39	1	3				12		27		
Defamation	5			5								
Disturbing religious worship.....	8	3	1	4				1	1	1		
Escape	3	2		1				2				
False pretense	5	4		1				2		2		
Forgery, first degree.....	2	2					2					
Forgery, second degree.....	5	5					5					
Forgery, third degree.....	1	1						1				
Gaming	20	12	1	7				1		11		
Larceny, grand.....	29	26		3			20	5		1		
Larceny, petit.....	18	14		4				9	3	2		
Malicious mischief	1			1								
Manslaughter, first degree.....	3	3					3					
Manslaughter, second degree.....	3	3						3				
Miscegenation	2	2					2					
Murder, first degree.....	2	1	1				1					

CITY COURT OF TALLADEGA.—*Continued.*

CHARACTER OF OFFENSE.	No. cases disposed of	Convictions	Acquittals	Nolle proseques	Abated or withdrawn	No. sentences to				Fines paid or secured	Insane Asylum	Reformatory School
						Death	Penitentiary	Hard Labor	Jail			
Murder, second degree	6	5		1			5					
Perjury	2		1	1								
Public drunkenness	33	29	1	3				1		28		
Seduction	2			2								
Selling mortgaged property	3	2	1					1		1		
Sending threatening letter	1			1								
Shooting across public road	6	3		3						3		
Slander	1			1								
Trespass after warning	4	2	2					1		1		
Unlawfully riding on train	5	5						3		2		
Vagrancy	25	17		8				9		8		
Violating game and fish law	14	8	1	5						8		
Violating prohibition law	167	114	6	47				88		26		
Violating revenue law	6	6								6		
Violating Sunday law	2	2								2		
Violating sunrise and sunset law	5	3		2						3		
Violating written contract	1	1								1		
Total	538	399	19	120			51	159	5	184		

Percentage of convictions in cases disposed of, 72.

Predominant crime, Violation of Prohibition Law.

TUSCALOOSA COUNTY COURT.

C. B. Verner, Solicitor.

CHARACTER OF OFFENSE.	No. cases disposed of	Convictions	Acquittals	Nolle proseques	Abated or withdrawn	No. sentences to				Fines paid or secured	Insane Asylum	Reform School
						Death	Penitentiary	Hard Labor	Jail			
Abusive language.....	31	24	1	5	1			2		23		
Adultery and fornication....	4	2	1	1						2		
Arson, first degree.....	3		1	2								
Arson, second degree.....	1			1								
Assault and battery.....	50	41	6	2	1			6		36		
Assault and battery with weapon	23	21		2				9		17		
Assault, intent to murder...	13	5	3	2	3		3	2		1		
Assault, intent to ravish....	3	3					3					
Attempt to commit forgery...	1	1								1		
Bastardy	1			1								
Bigamy	1	1					1					
Burglary	4	4					1	3				
Burglary and grand larceny	7	5		2			3	2				
Carnal knowledge, girl un- der 12	1			1								
Concealed weapons.....	99	68	8	21	2			19		52		
Conspiracy	1	1								1		
Cruelty to animals.....	4	4								4		
Defacing public buildings...	6	1	1	3	1					1		
Disposing of mortgaged prop- erty	13	8	1	4				5	1	6		
Embezzlement	5	1		3	1		1					
Escape	5	5						5		1		
False pretense	4	1		3				1				
Forgery, first degree.....	8	3		2	3		3					
Forgery, third degree.....	1	1						1				
Gaming	23	16		5	2					16		
Giving liquor to minor.....	1			1								

TUSCALOOSA COUNTY COURT.—*Continued.*

CHARACTER OF OFFENSE.	No. cases disposed of	Convictions	Acquittals	Nolle proseques	Abated or withdrawn	No. sentences to				Fines paid or secured	Insane Asylum	Reform School
						Death	Penitentiary	Hard Labor	Jail			
Indecent exposure of person	1	1								1		
Intimidating	1			1								
Injuring railroad track	1			1								
Larceny, grand	13	9	1	3			3	6				
Larceny, petit	26	20	2	4				14	2	8		
Manslaughter, first degree	4	4					4					
Manslaughter, second degree	2	2						2		1		
Murder, first degree	22	11	3	6	2		11					
Murder, second degree	9	7	1	1			7					
Obstructing public justice	3	3								3		
Perjury	2		1	1								
Presenting gun	6	3		3				2		1		
Public Drunkenness	20	18		2						18		
Resisting officer	2			2								
Shooting into dwelling	1	1						1		1		
Shooting across public road	2	1		1						1		
Trespass after warning	6	3	2	1						3		
Unlawful injury to animal	6	3	2	1						3		
Unlawfully riding on train	2			2								
Vagrancy	9	5	1	3				4		1		
Violating automobile law	1	1								1		
Violating court contract	1	1						1				
Violating game and fish law	4	3		1						3		
Violating prohibition law	203	89	27	83	4			54		46		
Violating revenue law	2	1		1						1		
Violating Sunday law	3	3								3		
Violating mining law	1	1								1		
Total	666	406	62	178	20	40	139	3	257			

Percentage of convictions in cases disposed of, 61.

Predominant crime, Violation of Prohibition Law.

LAW AND EQUITY COURT OF WALKER COUNTY.

J. D. Acuff, Solicitor.

CHARACTER OF OFFENSE.	No. cases disposed of	Convictions	Acquittals	Nolle proseques	Abated or withdrawn	No. sentences to				Fines paid or secured	Insane Asylum	Reform School
						Death	Penitentiary	Hard Labor	Jail			
Abusive language.....	127	41	6	76	4			4		37		
Adultery and fornication....	44	3	3	34	4			1		22		
Arson, third degree.....	2	1			1					1		
Assault and battery.....	189	79	21	77	12			17		64		
Assault and battery with weapon.....	42	33	2	3	4			8		25		
Assault, intent to murder....	15	4	2	8	1		4					
Bigamy.....	1			1								
Burglary.....	4	1		2	1		1					
Concealed weapons.....	142	61	9	64	8			26		35		
Concealing felony.....	4			4								
Conspiracy.....	1		1									
Cruelty to animals.....	6	1	1	4						1		
Decoying child.....	2			2								
Defacing public buildings....	2	1		1						1		
Defamation.....	6			6								
Defaulting road hand.....	1			1								
Disturbing religious worship	18	6	1	9	2			2		4		
Disposing of mortgaged prop- erty.....	1			1								
Disturbing females.....	1	1						1				
Disturbing public assembly..	13	4		7	2			1		3		
Embezzlement.....	2	1		1			1					
Escape.....	4	2		2				2				
False pretense.....	22	3		14	5		1		1	2		
Forgery, first degree.....	3			3								
Forgery, third degree.....	3	1		1	1				1	1		

LAW AND EQUITY COURT OF WALKER COUNTY.—Continued.

CHARACTER OF OFFENSE.	No. cases disposed of					No. sentences to				Fines paid or secured	Insane Asylum	Reform School
		Convictions	Acquittals	Nolle proseques	Abated or withdrawn	Death	Penitentiary	Hard Labor	Jail			
Gaming -----	132	93	2	37				24		69		
Injuring electric wires -----	4				4							
Injuring animals -----	6	1	1	1	3					1		
Jumping off moving train -----	20	16		4				11		5		
Kidnapping -----	1			1								
Keeping vicious animal -----	2			2								
Keeping sheep-killing dog -----	1			1								
Larceny, grand -----	7	3		3	1		3					
Larceny, petit -----	41	27	2	7	5			16	15	11		
Malicious mischief -----	4	1		3					1			
Manslaughter, second degree -----	2	1	1					1				
Murder, second degree -----	8	4	3	1			4					
Peddling without license -----	2			1	1							
Practicing dentistry without a license -----	1			1								
Presenting gun -----	8	1		3	4					1		
Public drunkenness -----	126	63	3	39	21			5		58		
Resisting officer -----	4			2	2							
Robbery -----	1		1									
Seduction -----	3			3								
Shooting into dwelling -----	1	1								1		
Selling choking horse -----	1		1									
Selling mortgaged property -----	2			2								
Shooting across public road -----	4	2	1	1						2		
Slander -----	3			3								
Sodomy -----	1	1						1				
Temporary use of animal -----	2		1	1								
Throwing missile at train -----	4	2		2						2		
Throwing into dwelling -----	2			2								

LAW AND EQUITY COURT OF WALKER COUNTY.—*Continued.*

CHARACTER OF OFFENSE.	No. cases disposed of	Convictions	Acquittals	Nolle proseques	Abated or withdrawn	No. sentences to				Fines paid or secured	Insane Asylum	Reform School
						Death	Penitentiary	Hard Labor	Jail			
Trespass after warning-----	22	1	6	14	1			1				
Unlawfully riding on train--	19	13		6				11		2		
Vagrancy -----	77	36	3	31	7			20		16		
Violating game and fish law	8	2	1	3	2					2		
Violating prohibition law----	415	94	38	260	23			27		67		
Violating Sunday law-----	32	24		8				1		23		
Violating stock law-----	2	1	1							1		
Violating mining law-----	24	10		14				1		9		
Total -----	1647	640	111	775	121		14	180	19	446		

Percentage of convictions in cases disposed of, 39.

Predominant crime, Violation of Prohibition Law.

FIRST JUDICIAL CIRCUIT.

Composed of the Counties of Choctaw, Clarke, Marengo, Monroe and Washington.

John McDuffie, Solicitor.

CHARACTER OF OFFENSE.	No. cases disposed of	Convictions	Acquittals	Nolle proseques	Abated or withdrawn	No. sentences to				Fines paid or secured	Insane Asylum	Reform School
						Death	Penitentiary	Hard Labor	Jail			
Abusive language-----	16	6	4	3	3					6		
Aiding escape-----	3	3					3					
Arson, second degree-----	6	1	1	2	2		1					
Assault and battery-----	6	4	1	1						4		
Assault and battery with weapon-----	38	32	3	3				1		32		
Assault, intent to murder---	13	8	3	2			3	5				
Assault, intent to ravish---	1	1					1					
Assault, intent to rob-----	1		1									
Bastardy-----	2	2								2		
Bigamy-----	1			1								
Burglary-----	20	11	3	4	2		2	8		1		
Burglary and grand larceny	12	7	2	3			2	4		1		
Carnal knowledge, girl over 12-----	2	2						1		1		
Concealed weapons-----	11	2	2	6	1					2		
Changing hog mark-----	1		1									
Defaulting road hand-----	1			1								
Disturbing religious worship	1	1								1		
Embezzlement-----	1			1								
False pretense-----	5		2	2	1							
Forgery, first degree-----	1	1					1					
Forgery, third degree-----	4	2			2			1		1		
Gaming-----	35	10	4	21						10		
Incest-----	1	1					1					

FIRST JUDICIAL CIRCUIT.—Continued.

CHARACTER OF OFFENSE.	No. cases disposed of	Convictions	Acquittals	Nolle proseques	Abated or withdrawn	No. sentences to				Fines paid or secured	Insane Asylum	Reform School
						Death	Penitentiary	Hard Labor	Jail			
Keeping sheep-killing dog----	1		1									
Larceny, grand -----	33	25	2	6			8	4		13		
Larceny, petit -----	39	34	2	3				1	5	33		
Manslaughter, first degree----	4	4					4					
Manslaughter, second degree----	2	2						2				
Miscegenation -----	1				1							
Murder, first degree-----	22	13	3	5	1	3	10					
Murder, second degree-----	11	8	1	2			8					
Perjury -----	2	1			1		1					
Public drunkenness -----	2	1	1							1		
Rape -----	1	1					1					
Receiving stolen property----	5	3	1	1				1		2		
Removing mortgaged prop- erty -----	3			3								
Refusing to pay dog tax----	1			1								
Robbery -----	3	1		2			1					
Selling mortgaged property----	1		1									
Temporary use of property----	1			1								
Trespass after warning-----	2		1	1								
Unlawful injury to animal----	3		1	1	1							
Unlawfully killing hog-----	1			1								
Violating court contract-----	1		1									
Violating election law-----	1				1							
Violating prohibition law----	69	38	4	20	7			1	4	33		
Violating Sunday law-----	5	2		3						2		
Violating stock law-----	1		1									
Total -----	397	227	47	100	23	3	47	29	9	145		

Percentage of convictions in cases disposed of, 60.

Predominant crime, Violation Prohibition Law.

SECOND JUDICIAL CIRCUIT.

Composed of the Counties of Baldwin, Butler, Conecuh, Crenshaw,
Escambia and Lowndes.

C. R. Bricken, Solicitor.

CHARACTER OF OFFENSE.	No. cases disposed of	No. sentences to							Fines paid or secured	Insane Asylum	Reform School
		Convictions	Acquittals	Nolle prosequies	Abated or withdrawn	Death	Penitentiary	Hard Labor			
Abusive language	33	28	1	4				2	26		
Adultery and fornication	4	4						1	3		
Aiding escape	1	1						1			
Arson, second degree	3	2		1			2				
Arson, third degree	1	1							1		
Assault	1	1							1		
Assault and battery	38	35		3				7	28		
Assault and battery with weapon	76	70	1	5				18	52		
Assault, intent to murder	34	28	2	4			14	14			
Assault, intent to ravish	4	3		1			3				
Assault, intent to rob	1	1					1				
Attempt to commit a felony	1	1						1			
Bastardy	3	2		1				1	1		
Burglary	13	12	1				4	8			
Burglary and grand larceny	12	8		3	1		2	5			1
Carnal knowledge, girl un- der 12	1	1					1				
Concealed weapons	104	81	7	15	1			27	54		
Contempt	6	4		2					4		
Cruelty to animals	1	1						1			
Defaulting road hand	3	1		2					1		
Disturbing religious worship	15	12		3					12		
Disposing of mortgaged prop- erty	3	2		1				1	1		

SECOND JUDICIAL CIRCUIT.—Continued.

CHARACTER OF OFFENSE.	No. cases disposed of	Convictions	Acquittals	Nolle proseques	Abated or withdrawn	No. sentences to				Fines paid or secured	Insane Asylum	Reform School
						Death	Penitentiary	Hard Labor	Jail			
Disturbing females -----	3	3								3		
Embezzlement -----	2			2								
Escape -----	1	1								1		
False pretense -----	8	8					1	4		3		
Forgery, first degree -----	3	2		1			2					
Forgery, second degree -----	1	1						1				
Gaming -----	70	67	1	2				3		64		
Injuring animals -----	2	1	1							1		
Incest -----	4	4						1	3			
Larceny, grand -----	51	44	1	5	1	28	16					
Larceny, petit -----	44	41	1	1	1		21			20		
Malicious mischief -----	2	1		1						1		
Manslaughter, first degree -----	11	11					9	2				
Miscegenation -----	1			1								
Murder, first degree -----	19	15	2	2		3	3					
Murder, second degree -----	31	24	2	5			24					
Obstructing public road -----	1	1								1		
Obstructing railroad -----	3	3					3					
Perjury -----	2			2								
Pistol in possession off premises -----	22	19	1	2				5		14		
Presenting gun -----	7	6		1						6		
Public drunkenness -----	19	18		1				1		17		
Rape -----	1	1					1					
Receiving stolen property -----	2	2						1		1		
Removing property under lien -----	1	1								1		
Robbery -----	8	4	1	1	2		4					
Seduction -----	1			1								

SECOND JUDICIAL CIRCUIT.—Continued.

CHARACTER OF OFFENSE.	No. cases disposed of	Convictions	Acquittals	Nolle proseques	Abated or withdrawn	No. sentences to				Fines paid or secured	Insane Asylum	Reform School
						Death	Penitentiary	Hard Labor	Jail			
Selling liquor to minor.....	1			1								
Shooting into dwelling.....	3	3								3		
Selling mortgaged property.....	4	3		1				1		2		
Shooting across public road.....	6	5	1							5		
Sodomy	5	5					3	2				
Temporary use of property.....	1	1								1		
Trespass after warning.....	5	3	1	1				1		2		
Unlawful injury to animal.....	1	1								1		
Unlawfully riding on train.....	3	3						1		2		
Vagrancy	9	9						1		8		
Violating automobile law.....	1	1								1		
Violating court contract.....	7	5	1	1				2		3		
Violating game and fish law.....	1		1									
Violating prohibition law.....	443	100	7	36				36		66		
Violating Sunday law.....	37	34		3				1		33		
Violating sunrise and sunset law	3	3								3		
Total	817	669	30	112	6	2	112	177	1	378		1

Percentage of convictions in cases disposed of, 82.

Predominant crime, Violation of Prohibition Law.

THIRD JUDICIAL CIRCUIT.

Composed of the Counties of Barbour, Bullock, Dale, Henry and Russell.

H. B. Steagall, Solicitor.

CHARACTER OF OFFENSE.	No. cases disposed of	Convictions	Acquittals	Nolle proseques	Abated or withdrawn	No. sentences to				Fines paid or secured	Insane Asylum	Reform School
						Death	Penitentiary	Hard Labor	Jail			
Abusive language	22	11	4	7	—	—	—	2	—	9	—	—
Adultery and fornication	2	—	—	2	—	—	—	—	—	—	—	—
Aiding escape	2	2	—	—	—	—	—	1	—	1	—	—
Arson, first degree	2	—	1	1	—	—	—	—	—	—	—	—
Arson, second degree	5	1	3	1	—	—	1	—	—	—	—	—
Assault	1	1	—	—	—	—	—	1	—	1	—	—
Assault and battery	122	102	7	13	—	—	—	42	—	76	—	—
Assault, intent to murder	60	28	11	20	1	11	14	—	—	3	—	—
Betting at cards	2	1	—	1	—	—	—	—	—	1	—	—
Bastardy	1	1	—	—	—	—	—	1	—	—	—	—
Bigamy	3	1	1	1	—	—	1	—	—	—	—	—
Burglary	43	27	4	12	—	—	19	8	—	—	—	—
Carnal knowledge, girl under 12	2	—	2	—	—	—	—	—	—	—	—	—
Carnal knowledge girl over 12	1	1	—	—	—	—	—	1	—	—	—	—
Concealed weapons	102	70	15	17	—	—	—	63	—	44	—	—
Cruelty to animals	5	4	—	1	—	—	—	1	—	3	—	—
Defamation	2	1	1	—	—	—	—	—	—	1	—	—
Defaulting road hand	19	10	5	4	—	—	—	—	—	10	—	—
Disorderly conduct	6	1	2	3	—	—	—	—	—	1	—	—
Disturbing religious worship	4	3	—	1	—	—	—	—	—	3	—	—
Disposing of property under lien	4	—	1	3	—	—	—	—	—	—	—	—
Disposing of mortgaged property	6	2	—	4	—	—	—	—	—	2	—	—

THIRD JUDICIAL CIRCUIT.—*Continued.*

CHARACTER OF OFFENSE.	No. cases disposed of	Convictions	Acquittals	Nolle proseques	Abated or withdrawn	No. sentences to				Fines paid or secured	Insane Asylum	Reform School
						Death	Penitentiary	Hard Labor	Jail			
Embezzlement	1	—	1	—	—	—	—	—	—	—	—	—
Enticing labor	1	1	—	—	—	—	—	—	—	1	—	—
False pretense	9	2	—	6	1	—	—	—	—	2	—	—
Failure to drive to right	1	1	—	—	—	—	—	—	—	1	—	—
Forgery, first degree	5	—	1	3	1	—	—	—	—	—	—	—
Forgery, second degree	3	3	—	—	—	—	3	—	—	—	—	—
Forgery, third degree	3	3	—	—	—	—	—	3	—	—	—	—
Gaming on Sunday	10	3	—	7	—	—	—	—	—	3	—	—
Gaming in public place	1	—	—	1	—	—	—	—	—	—	—	—
Incest	2	1	1	—	—	—	1	—	—	—	—	—
Larceny, grand	40	24	6	10	—	—	8	16	—	—	—	—
Larceny, petit	37	22	5	10	—	—	—	13	2	13	—	—
Manslaughter, first degree	11	11	—	—	—	—	11	—	—	—	—	—
Miscegenation	4	—	1	3	—	—	—	—	—	—	—	—
Murder, first degree	19	6	7	4	2	—	6	—	—	—	—	—
Murder, second degree	29	25	2	2	—	—	25	—	—	—	—	—
Obstructing public road	1	—	1	—	—	—	—	—	—	—	—	—
Obtaining board by fraud	1	—	—	1	—	—	—	—	—	—	—	—
Operating slot machine	1	1	—	—	—	—	—	—	—	1	—	—
Practicing dentistry without a license	1	1	—	—	—	—	—	—	—	1	—	—
Practicing medicine without a license	3	3	—	—	—	—	—	2	—	3	—	—
Presenting gun	2	2	—	—	—	—	—	1	—	1	—	—
Public drunkenness	37	30	2	5	—	—	—	—	—	30	—	—
Rape	4	1	2	—	1	—	1	—	—	—	—	—
Removing property under lien	1	—	—	—	1	—	—	—	—	—	—	—
Resisting officer	3	2	—	1	—	—	—	—	—	2	—	—

THIRD JUDICIAL CIRCUIT.—*Continued.*

CHARACTER OF OFFENSE.	No. cases disposed of	Convictions	Acquittals	Nolle proseques	Abated or withdrawn	No. sentences to				Fines paid or secured	Insane Asylum	Reform School
						Death	Penitentiary	Hard Labor	Jail			
Robbery -----	1	1					1					
Shooting into dwelling-----	1	1						1				
Selling mortgaged property----	14	4	2	8						4		
Shooting across public road----	8	5		3						5		
Temporary use of animal----	2	2						2		2		
Throwing missile at train----	1	1						1				
Trespass after warning-----	3	1	1	1				1				
Vagrancy -----	12	11		1				6	2	8		
Violating court contract-----	8	3		5				1		3		
Violating game and fish law-----	17	6	2	9						6		
Violating prohibition law-----	195	93	26	74	2			90		47		
Violating Sunday law-----	1	1								1		
Violating stock law-----	2	1		1						1		
Violating pharmacy law-----	1	1								1		
Total -----	912	540	116	247	9		88	271	4	291		

Percentage of convictions in cases disposed of, 60.

Predominant crime, Violation of Prohibition Law.

*FOURTH JUDICIAL CIRCUIT.

Composed of the Counties of Bibb, Dallas, Hale, Perry and Wilcox.

J. F. Thompson, Solicitor.

CHARACTER OF OFFENSE.	No. cases disposed of	Convictions	Acquittals	Nolle proseques	Abated or withdrawn	No. sentences to				Fines paid or secured	Insane Asylum	Reform School
						Death	Penitentiary	Hard Labor	Jail			
Abusive language	8	6		1	1			1		5		
Adultery and fornication....	1	1								1		
Aiding escape.....	2	1		1						1		
Arson, first degree.....	1	1					1					
Arson, second degree.....	5	3		1	1		2					
Arson, third degree.....	2	2						2				
Assault and battery.....	17	16		1				4		12		
Assault and battery with weapon	96	94		2				28		71		
Assault, intent to murder..	15	5	2	7	1		1	4				
Assault, intent to ravish....	1	1						1				
Attempt to commit a felony..	1	1						1				
Burglary	61	41	7	12	1		13	28				
Burglary in railroad car....	2	2					1	1				
Concealed weapons	79	59	3	15	2			22		37		
Concealing felon.....	2	2						1		1		
Contempt	3	3							3			
Cruelty to animals.....	2			1	1							
Defaulting road hand.....	2	2								2		
Destroying fence	1		1									
Disorderly conduct	1		1									
Disturbing religious worship	5			5								
Embezzlement	12	5		7			1	1		3		
Escape	4	4						4				
False pretense.....	7	2		5				2				
Forgery, first degree.....	1	1					1					

FOURTH JUDICIAL CIRCUIT.—Continued.

CHARACTER OF OFFENSE.	No. cases disposed of	Convictions	Acquittals	Nolle proseques	Abated or withdrawn	No. sentences to				Fines paid or secured	Insane Asylum	Reform School
						Death	Penitentiary	Hard Labor	Jail			
Forgery, second degree-----	8	5		3			4	1				
Forgery, third degree-----	6	6						1	5			
Gaming on Sunday-----	7	5		2				1		4		
Intimidating-----	1				1							
Issuing worthless check-----	1			1								
Incest-----	1				1							
Larceny, grand-----	57	43	7	6	1	12	31					
Larceny, petit-----	79	74		5			28	3	43			
Manslaughter, first degree-----	27	24		1	2	14	10					
Manslaughter, second degree-----	4	4					4					
Murder, first degree-----	31	19	8	4	1	5	13					
Murder, second degree-----	6	6				6						
Obstructing public justice-----	1	1								1		
Perjury-----	1			1								
Pistol in possession off premises-----	9	6	1	2						6		
Presenting gun-----	7	3		3	1					3		
Public drunkenness-----	1	1								1		
Rape-----	1			1								
Receiving stolen property-----	4	2		2				1	1			
Reckless driving-----	1			1								
Resisting officer-----	1			1								
Selling diseased meat-----	1	1					1					
Shooting into dwelling-----	1	1					1					
Selling pistol to minor-----	1	1								1		
Selling mortgaged property-----	2	2						1		1		
Selling seed cotton-----	1		1									
Shooting across public road-----	5	4		1				1		3		
Sodomy-----	1	1					1					

FOURTH JUDICIAL CIRCUIT.—Continued.

CHARACTER OF OFFENSE.	No. cases disposed of	Convictions	Acquittals	Nolle proseques	Abated or withdrawn	No. sentences to				Fines paid or secured	Insane Asylum	Reform School
						Death	Penitentiary	Hard Labor	Jail			
Temporary use of property_	1	1						1				
Unlawful injury to animal_	1		1									
Unlawfully killing animal_	2	1	1							1		
Vagrancy _	11	7		3	1			1		6		
Violating game and fish law	2	2							1	1		
Violating prohibition law_	292	156	12	67	57			59		108		
Violating Sunday law_	1	1								1		
Violating stock law_	1			1								
Violating anti-trust law_	1		1									
Violating pharmacy law_	1	1								1		
Total _	910	629	46	163	72	5	70	245	10	314		

Percentage of convictions in cases disposed of, 68.

Predominant crime, Violation of Prohibition Law.

*Incomplete; unable to obtain report from Wilcox county after repeated notice.

FIFTH JUDICIAL CIRCUIT.

Composed of Counties of Chambers, Randolph, Macon, Coosa and Tallapoosa.

W. B. Bowling, Solicitor.

CHARACTER OF OFFENSE.	No. cases disposed of	Convictions	Acquittals	Nolle proseques	Abated or withdrawn	No. sentences to				Fines paid or secured	Insane Asylum	Reform School
						Death	Penitentiary	Hard Labor	Jail			
Abusive language.....	40	26	3	11						26		
Affray	1	1								1		
Allowing minor to play pool	1	1								1		
Aiding escape	1			1								
Arson, first degree.....	1	1					1					
Arson, second degree.....	1	1					1					
Assault	4	2		2						2		
Assault and battery.....	31	22	3	6						22		
Assault and battery with weapon	81	71	4	6						71		
Assault, intent to murder	33	21	8	4			21					
Attempt at burglary.....	1	1					1					
Attempt to commit a felony	1	1						1				
Bastardy	1	1								1		
Beating way on train.....	1	1								1		
Bigamy	1		1									
Burglary	28	25	1	2			25					
Burglary and grand larceny	2	2					2					
Concealed weapons.....	92	61	10	19	2					61		
Cruelty to animals.....	6	3	2	1						3		
Defaulting road hand.....	9	4	3	1	1					4		
Destroying fence.....	1			1								
Disturbing religious worship	26	16	5	4	1					16		
Embezzlement	16	10	2	1	3		7			3		
Enticing minor	1			1								

FIFTH JUDICIAL CIRCUIT.—*Continued.*

CHARACTER OF OFFENSE.	No. cases disposed of	Convictions	Acquittals	Nolle proseques	Abated or withdrawn	No. sentences to				Fines paid or secured	Insane Asylum	Reform School
						Death	Penitentiary	Hard Labor	Jail			
Temporary use of property	1			1								
Throwing missile at train	1	1						1				
Trespass after warning	1	1								1		
Vagrancy	7	4		3				1		3		
Violating court contract	5	4		1						4		
Violating game and fish law	4	4								4		
Violating prohibition law	243	146	22	68	7			100	4	113		
Violating Sunday law	22	15	3	4						15		
Violating stock law	10	15	1	4						15		
Violating written contract	2			1	1							
Violating pistol law	1	1								1		
Total	940	617	90	217	16	3	134	78	44	321		

Percentage of convictions in cases disposed of, 65½.

Predominant crime, Violating Prohibition Law.

SIXTH JUDICIAL CIRCUIT.—Continued.

CHARACTER OF OFFENSE.	No. cases disposed of	Convictions	Acquittals	Nolle proseques	Abated or withdrawn	No. sentences to				Fines paid or secured	Insane Asylum	Reform School
						Death	Penitentiary	Hard Labor	Jail			
Disturbing public assembly	8	7		1						7		
Embezzlement	4			3	1							
Enticing labor	1	1								1		
False pretense	20	13	1	6			2	2		9		
Forgery, second degree	2	2					1	1				
Forgery, third degree	2	2						2				
Fraudulent conveyance	2	2								2		
Gaming	36		3	27	6							
Gaming on Sunday	10	10								10		
Injuring telegraph wires	2			2								
Keeping gaming table	2			2								
Larceny grand	30	23	2	5			3	20				
Larceny, petit	43	41	1		1			6	1	39		
Larceny, grand and receiving stolen goods	1			1								
Malicious mischief	1	1								1		
Malicious injury to animal	1	1								1		
Manslaughter, first degree	8	7	1				7					
Murder, first degree	9	5	3		1	1	4					
Murder, second degree	10	8	1	1			8					
Obstructing public road	1		1									
Overseer, neglect of duty	11	3		8						3		
Perjury	1				1							
Pistol in possession off premises	2	2								2		
Presenting gun	4	2	1	1						2		
Public drunkenness	189	146		43						146		
Putting out poison	1				1							
Receiving stolen property	7	6		1						6		

SIXTH JUDICIAL CIRCUIT.—Continued.

CHARACTER OF OFFENSE.	No. cases disposed of	Convictions	Acquittals	Nolle proseques	Abated or withdrawn	No. sentences to				Fines paid or secured	Insane Asylum	Reform School
						Death	Penitentiary	Hard Labor	Jail			
Removing mortgaged property	18	15		3				3		13		
Resisting officer	1	1										
Robbery	7	2		5			2			1		
Seduction	1			1								
Selling cigarettes to minor ..	1	1								1		
Shooting across public road ..	1	1								1		
Shooting into passenger train ..	1	1					1					
Temporary use of property	1			1								
Trespass after warning	20	6	1	13						6		
Unlawfully killing hog	1				1							
Vagrancy	4	1		3						1		
Violating automobile law	1	1								1		
Violating court contract	1	1								1		
Violating election law	1			1								
Violating game and fish law	4	4								4		
Violating prohibition law	310	151	8	141	10			50	17	132		
Violating Sunday law	31	31								31		
Violating stock law	44	16	3	24	1					16		
Violating food and drug law	2	2								2		
Total	1267	821	39	377	30	1	48	108	19	704		

Percentage of convictions in cases disposed of, 65.

Predominant crime, Violating prohibition law.

SEVENTH JUDICIAL CIRCUIT.

Composed of the Counties of Cleburne, Calhoun, Clay, Shelby and Talladega.

Chas. S. Cornelius, Solicitor.

CHARACTER OF OFFENSE.	No. cases disposed of	Convictions	Acquittals	Nolle proseques	Abated or withdrawn	No. sentences to				Fines paid or secured	Insane Asylum	Reform School
						Death	Penitentiary	Hard Labor	Jail			
Abusive language.....	27	18	2	7						18		
Adultery and fornication....	1	1						1		1		
Affray	2		1	1								
Arson, second degree.....	1	1					1					
Assault	3	3								3		
Assault and battery with weapon	8	6	1	1						6		
Assault, intent to murder....	10	5		4	1		5					
Assault, intent to rob.....	2	2					2					
Attempt to commit a felony	1		1									
Burglary	2	1	1				1					
Burglary and grand larceny	6	4	2				4					
Concealed weapons	29	18	7	3	1					18		
Contempt	6	5	1						5	5		
Decoying child	2	2							2			
Defacing public buildings....	2	2								2		
Defamation	5	4	1					4		4		
Defaulting road hand.....	2	2								2		
Disturbing religious worship	7	6	1							6		
Disposing of property under lien	1		1									
Embezzlement	1		1									
False pretense	4	4							4			
Indecent exposure of person	1	1								1		
Incest	1	1					1					

SEVENTH JUDICIAL CIRCUIT.—*Continued.*

CHARACTER OF OFFENSE.	No. cases disposed of	Convictions	Acquittals	Nolle proseques	Abated or withdrawn	No. sentences to				Fines paid or secured	Insane Asylum	Reform School
						Death	Penitentiary	Hard Labor	Jail			
Kidnapping	2			2								
Larceny, grand	6	4	2				4					
Larceny, petit	14	4	4	6				1	1	3		
Manslaughter, first degree	2	2					2					
Murder, first degree	4	1	2	1			1					
Murder, second degree	2	2					2					
Operating slot machine	1	1								1		
Perjury	3		1	2								
Practicing dentistry without a license	1	1								1		
Practicing medicine without a license	1	1								1		
Public drunkenness	37	32	2	3						32		
Seduction	2		1	1								
Shooting across public road	6	5	1							5		
Throwing missile at train	1	1					1					
Trespass after warning	2	1	1							1		
Vagrancy	1	1								1		
Violating convict contract	1	1								1		
Violating game and fish law	1	1						1		1		
Violating prohibition law	38	22	9	7				12		11		
Total	250	166	43	39	2	24	19	8	128			

Percentage of convictions in cases disposed of, 66.

Predominant crime, Violation of Prohibition Law.

EIGHTH JUDICIAL CIRCUIT.

Composed of Counties of Cullman, Lawrence, Limestone, Madison and Morgan.

D. C. Almon, Solicitor.

CHARACTER OF OFFENSE.	No. cases disposed of	Convictions	Acquittals	Nolle proseques	Abated or withdrawn	No. sentences to				Fines paid or secured	Insane Asylum	Reform School
						Death	Penitentiary	Hard Labor	Jail			
Abusive language -----	7	3		4						3		
Arson, first degree -----	1			1								
Arson, second degree -----	2		2									
Assault -----	1	1								1		
Assault and battery -----	10	10						2		8		
Assault and battery with weapon -----	21	16	1	4				4		12		
Assault, intent to murder -----	13	6		7			6					
Assault, intent to ravish -----	3	1		2			1					
Bastardy -----	3	3						2		1		
Bigamy -----	2	1		1			1					
Burglary -----	20	15		4	1		14	1				
Concealed weapons -----	10	8		2				5		3		
Embezzlement -----	2			2								
False pretense -----	8			8								
Forgery, first degree -----	7	6		1			6					
Forgery, second degree -----	2	1		1				1				
Gaming -----	1			1								
Larceny, grand -----	20	16	3		1		16					
Larceny, petit -----	2	2						2				
Manslaughter, first degree -----	10	10					10					
Manslaughter, second degree -----	3	2						2				
Murder, first degree -----	8	7	1			1	6					
Murder, second degree -----	21	20	1				20					
Perjury -----	6	1	2	3			1					

EIGHTH JUDICIAL CIRCUIT.—*Continued.*

CHARACTER OF OFFENSE.	No. cases disposed of	Convictions	Acquittals	Nolle proseques	Abated or withdrawn	No. sentences to				Fines paid or secured	Insane Asylum	Reform School
						Death	Penitentiary	Hard Labor	Jail			
Public drunkenness -----	8	6	---	2	---	---	---	---	---	6	---	---
Rape -----	1	1	---	---	---	---	1	---	---	---	---	---
Robbery -----	4	4	---	---	---	---	4	---	---	---	---	---
Seduction -----	7	3	1	3	---	---	3	---	---	---	---	---
Violating prohibition law----	24	13	2	7	---	---	---	1	---	12	---	---
Violating revenue law-----	1	1	---	---	---	---	---	---	---	1	---	---
Total -----	228	157	14	55	2	1	89	20	---	47	---	---

Percentage of convictions in cases disposed of, 66.

Predominant crime, Violation of Prohibition Law.

NINTH JUDICIAL CIRCUIT.

*Composed of the Counties of Cherokee, DeKalb, Jackson and Marshall.

C. C. Appleton, Solicitor.

CHARACTER OF OFFENSE.	No. cases disposed of	Convictions	Acquittals	Nolle proseques	Abated or withdrawn	No. sentences to				Fines paid or secured	Insane Asylum	Reform School
						Death	Penitentiary	Hard Labor	Jail			
Abduction -----	1			1								
Abusive language -----	80	23	6	50	1					23		
Adultery and fornication ---	5	2		3						2		
Assault -----	14	6	1	6	1					6		
Assault and battery -----	31	10	3	16	2					10		
Assault and battery with weapon -----	21	16	2	3						16		
Assault, intent to murder ---	1				1							
Assault, intent to ravish ---	2		1	1								
Attempt at arson -----	2			2								
Attempt to commit a felony	1			1								
Betting at cards -----	4	2	1	1						2		
Bastardy -----	9	3	3	3						3		
Bigamy -----	1	1					1					
Burglary -----	17	4	1	9	3		4					
Carnal knowledge, girl un- der 12 -----	1		1									
Concealed weapons -----	60	21	16	22	1			1		20		
Defamation -----	5	2	1	2						2		
Defaulting road hand -----	7	4	2	1						4		
Disturbing religious worship	40	9	8	23						9		
Disturbing females -----	9	2	1	6						2		
Disturbing public assembly -	4	2		2						2		
Disturbing school -----	1			1								
Embezzlement -----	4			4								
False pretense -----	4		3	1								

NINTH JUDICIAL CIRCUIT.—*Continued.*

CHARACTER OF OFFENSE.	No. cases disposed of	Convictions	Acquittals	Nolle prosequies	Abated or withdrawn	No. sentences to				Fines paid or secured	Insane Asylum	Reform School
						Death	Penitentiary	Hard Labor	Jail			
Forgery, first degree-----	5	2		1	2		1	1				
Gaming -----	2			2								
Gaming on Sunday-----	6	6								6		
Gaming in public place-----	3	2	1							2		
Giving liquor to minor-----	4	1	2	1						1		
Incest -----	1		1									
Killing dogs-----	1	1								1		
Kidnapping -----	1			1								
Larceny, grand -----	15	3	7	4	1		3					
Larceny, petit -----	4	2	1	1					1	1		
Malicious injury to animal-----	1	1								1		
Manslaughter, first degree-----	14	9		5			9					
Murder, first degree-----	3	2		1		1	1					
Murder, second degree-----	4		3	1								
Obstructing public road-----	1			1								
Overseer, neglect of duty-----	4			4								
Perjury -----	4		1	3								
Practicing dentistry without a license -----	1		1									
Practicing medicine without a license -----	1	1								1		
Presenting gun -----	3	1	1	1						1		
Public drunkenness -----	124	58	12	52	2					58		
Reckless driving -----	3			3								
Resisting officer-----	1			1								
Seduction -----	6	2	1	3			2					
Selling liquor to minor-----	9	4		5						4		
Shooting into dwelling-----	1	1								1		
Selling mortgaged property-----	5		4	1								

NINTH JUDICIAL CIRCUIT.—*Continued.*

CHARACTER OF OFFENSE.	No. cases disposed of	Convictions	Acquittals	Nolle proseques	Abated or withdrawn	No. sentences to				Fines paid or secured	Insane Asylum	Reform School
						Death	Penitentiary	Hard Labor	Jail			
Shooting across public road	3	1		2						1		
Shooting on Sunday	1			1								
Sending challenge	1				1							
Trespass after warning	3	1	1	1						1		
Using firearms public place	1	1								1		
Vagrancy	4			4								
Violating court contract	3		3									
Violating game and fish law	5		4	1								
Violating prohibition law	146	43	24	78	2			6		41		
Violating revenue law	1			1								
Violating Sunday law	6	2	2	2						2		
Violating stock law	1	1								1		
Total	727	252	119	339	17	1	21	8	1	225		

Percentage of convictions in cases disposed of, 34.

Predominant crime, Violation of Prohibition Law.

*Circuit Solicitor does not prosecute in Jackson County under Local Act.

TENTH JUDICIAL CIRCUIT.

Jefferson County.

*Jos. R. Tate, Solicitor.

CHARACTER OF OFFENSE.	No. cases disposed of	No. sentences to							Fines paid or secured	Insane Asylum	Reform School
		Convictions	Acquittals	Nolle proseques	Abated or withdrawn	Death	Penitentiary	Hard Labor			
Abusive language -----	1			1							
Assault and battery -----	2				2						
Bastardy -----	6		1	2	3						
Cruelty to animals -----	6		1	4	1						
Gaming on Sunday -----	1				1						
Public drunkenness -----	1				1						
Vagrancy -----	5	1		2	2				1		
Violating Sunday law -----	1			1							
Total -----	23	1	2	10	10				1		

Percentage of convictions in cases disposed of, 4.

Predominant crimes, Cruelty to Animals and Bastardy.

*Solicitor under law assists in prosecution in Jefferson County Criminal Court.

ELEVENTH JUDICIAL CIRCUIT.

Composed of the Counties of Marion, Lauderdale, Colbert and Franklin.

R. T. Simpson, Solicitor.

CHARACTER OF OFFENSE.	No. cases disposed of			Nolle proseques	Abated or withdrawn	No. sentences to				Fines paid or secured	Insane Asylum	Reform School
		Convictions	Acquittals			Death	Penitentiary	Hard Labor	Jail			
Abusive language	83	57	1	23	2			1		56		
Adultery and fornication	6	5		1						5		
Aiding escape	1			1								
Arson, first degree	3		2	1								
Assault	3	2		1						2		
Assault and battery	36	27		9				3		26		
Assault and battery with weapon	52	37		15				3		34		
Assault, intent to murder	15	9	2	4			9					
Assault, intent to ravish	1			1								
Bribery	1			1								
Burglary	19	12	1	6			12					
Concealed weapons	71	37	2	32				5		34		
Defacing public buildings	5	4		1						4		
Defamation	2	2								2		
Defaulting road hand	14	2		12						2		
Disturbing religious worship	57	37	2	18						37		
Disturbing females	1			1								
Disturbing public assembly	3	2		1						2		
Embezzlement	12			12								
Escape	3	1	1	1				1				
False pretense	4	1	1	2						1		
Forgery, first degree	9	4	1	4			4					
Gaming	34	18	1	15				1		17		
Gaming in public place	1	1								1		
Horse racing	2		1	1								
Keeping gaming table	1			1								
Larceny, grand	24	19	1	4			19					

ELEVENTH JUDICIAL CIRCUIT.—Continued.

CHARACTER OF OFFENSE.	No. cases disposed of	Convictions	Acquittals	Nolle proseques	Abated or withdrawn	No. sentences to				Fines paid or secured	Insane Asylum	Reform School
						Death	Penitentiary	Hard Labor	Jail			
Larceny, petit.....	24	18		6				7	4	12		
Libel	1			1								
Malicious mischief.....	2		1	1								
Malicious injury to property	11	5		6				1		4		
Manslaughter, first degree...	6	6				6						
Murder, first degree.....	5	3	1	1		3						
Murder, second degree.....	10	8	2			8						
Perjury	6		2	4								
Public drunkenness.....	154	119	4	31				3		119		
Receiving stolen property....	1	1								1		
Reckless driving	1	1								1		
Resisting officer.....	1	1						1		1		
Robbery	4	2		2		2						
Seduction	3			3								
Selling mortgaged property...	5	3		2						3		
Shooting across public road	9	6		3						6		
Trading mortgaged property	2			2								
Trespass after warning.....	7	1	1	5								
Unlawful injury to animal...	2	2								2		
Unlawfully killing dog.....	1	1								1		
Vagrancy	31	16		14				3		13		
Violating game and fish law	1			1								
Violating prohibition law....	247	143	8	96				40		108		
Violating revenue law.....	3		1	2								
Violating stock law.....	3	1		2						1		
Total	1003	614	36	350	3	63	69	4	496			

Percentage of convictions in cases disposed of, 60.

Predominant crime, Violating Prohibition Law.

*TWELFTH JUDICIAL CIRCUIT.

Composed of the Counties of Coffee, Covington, Geneva, Houston and Pike.

**R. H. Parks, Solicitor.

CHARACTER OF OFFENSE.	No. cases disposed of	Convictions	Acquittals	Nolle proseques	Abated or withdrawn	No. sentences to				Fines paid or secured	Insane Asylum	Reform School
						Death	Penitentiary	Hard Labor	Jail			
Abusive language.....	31	18	2	11						18		
Adultery and fornication....	1			1								
Aiding escape.....	2			2								
Arson, first degree.....	1			1								
Arson, second degree.....	1		1									
Assault and battery.....	80	63	8	9				9		54		
Assault, intent to murder....	32	9	10	12	1		7	2				
Attempt at bribery.....	1			1								
Attempt to commit a felony....	1			1								
Bribery.....	1			1								
Bastardy.....	2			1	1							
Burglary.....	17	14	1	1	1		5	9				
Carnal knowledge, girl under 12.....	1	1					1					
Concealed weapons.....	44	25	6	12	1			2	1	22		
Changing mark or brand.....	1			1								
Cruelty to animals.....	2		1	1								
Defaulting road hand.....	10	1	2	7						1		
Disturbing religious worship....	7	1	2	4						1		
Disposing of property fraud- ulently.....	1	1					1					
Embezzlement.....	8	2	1	5			1			1		
Escape.....	6	4	1	1				3		1		
False pretense.....	10	4	1	5			2			2		
Forgery, first degree.....	5			5								
Forgery, third degree.....	2	1			1			1				

TWELFTH JUDICIAL CIRCUIT.—Continued.

CHARACTER OF OFFENSE.	No. cases disposed of	Convictions	Acquittals	Nolle proseques	Abated or withdrawn	No. sentences to				Fines paid or secured	Insane Asylum	Reform School
						Death	Penitentiary	Hard Labor	Jail			
Violating election law.....	8			8								
Violating prohibition law....	163	60	15	87	1			31	2	50		
Violating Sunday law.....	3		1	2								
Violating stock law.....	1			1								
Violating pharmacy law.....	1			1								
Total	593	266	87	228	11	51	65	3	170			

Percentage of convictions in cases disposed of, 45.

Predominant crime, Violation of Prohibition Law.

*Incomplete.

**Deceased.

FOURTEENTH JUDICIAL CIRCUIT.

Composed of the Counties of Walker and Winston.

W. B. Bankhead, Solicitor.

CHARACTER OF OFFENSE.	No. cases disposed of					No. sentences to				Fines paid or secured	Insane Asylum	Reform School
		Convictions	Acquittals	Nolle proseques	Abated or withdrawn	Death	Penitentiary	Hard Labor	Jail			
Abusive language	42	24	2	15	1			1		23		
Adultery and fornication	6			6								
Arson, first degree	1		1									
Assault and battery	29	15	1	10	3			1		14		
Assault and battery with weapon	5	5								5		
Betting at cards	1			1								
Burglary	2		1	1								
Concealed weapons	27	12	6	6	3			2		11		1
Cruelty to animals	1			1								
Defacing public buildings	1			1								
Defamation	5	2		3						2		
Defaulting road hand	4	1	2	1						1		
Disturbing religious worship	8	1	1	6						1		
Disturbing school	1	1								1		
Escape	3			3								
False pretense	9	2	1	6						2		
Forgery, first degree	1			1								
Gaming	1		1									
Gaming on Sunday	2		2									
Injuring property	2	1		1						1		
Larceny, grand	6	3	1	2			3					
Larceny, petit	7	6		1						6		
Manslaughter, first degree	4	4					4					
Murder, first degree	2	2					2					
Murder, second degree	2	1		1			1					

FOURTEENTH JUDICIAL CIRCUIT.—Continued.

CHARACTER OF OFFENSE.	No. cases disposed of	Convictions	Acquittals	Nolle proseques	Abated or withdrawn	No. sentences to				Fines paid or secured	Insane Asylum	Reform School
						Death	Penitentiary	Hard Labor	Jail			
Obstructing public road----	1	---	1	---	---	---	---	---	---	---	---	---
Perjury -----	1	---	---	1	---	---	---	---	---	---	---	---
Presenting gun-----	1	---	---	1	---	---	---	---	---	---	---	---
Public drunkenness-----	34	18	1	15	---	---	---	1	---	17	---	---
Seduction -----	1	1	---	---	---	---	1	---	---	---	---	---
Selling mortgaged property--	4	1	---	3	---	---	---	---	---	1	---	---
Shooting across public road--	1	---	1	---	---	---	---	---	---	---	---	---
Shooting on Sunday-----	1	1	---	---	---	---	---	---	---	1	---	---
Sodomy -----	1	---	---	1	---	---	---	---	---	---	---	---
Trespass after warning-----	4	---	2	2	---	---	---	---	---	---	---	---
Vagrancy -----	1	---	---	1	---	---	---	---	---	---	---	---
Violating game and fish law	2	1	---	1	---	---	---	---	---	1	---	---
Violating prohibition law----	113	27	17	32	37	---	---	1	1	25	---	---
Total -----	341	130	42	125	44	---	12	6	1	112	---	---

Percentage of convictions in cases disposed of, 38.

Predominant crime, Violation of Prohibition Law.

FIFTEENTH JUDICIAL CIRCUIT.

Composed of the Counties of Autauga, Chilton and Elmore.

F. Loyd Tate, Solicitor.

CHARACTER OF OFFENSE.	No. cases disposed of	Convictions	Acquittals	Nolle proseques	Abated or withdrawn	No. sentences to				Fines paid or secured	Insane Asylum	Reform School
						Death	Penitentiary	Hard Labor	Jail			
Abandonment	1	1						1				
Abusive language	15	11	3	1				3		8		
Adultery and fornication	5	3	2					1		2		
Aiding escape	1	1					1					
Arson, first degree	1	1					1					
Arson, second degree	3	1	2				1					
Assault and battery	29	16	10	3				5		11		
Assault and battery with weapon	31	18	7	4	2			6		12		
Assault, intent to murder	24	14	4	2	4	11	3					
Assault, intent to ravish	2		2									
Assault, intent to maim	1	1					1					
Bribery	1		1									
Bigamy	1	1					1					
Burglary	13	8	2	3			6					
Burglary and grand larceny	11	9	1		1		8	1				
Concealed weapons	30	23	3	4				11		12		
Cruelty to animals	2	2								2		
Defacing public buildings	1	1								1		
Defaulting road hand	44	34	2	8				26		8		
Destroying fence	1	1								1		
Disturbing religious worship	3	2	1							2		
Disposing of property under lien	2	2								2		
Disturbing school	1	1								1		
Embezzlement	3	3					3					

FIFTEENTH JUDICIAL CIRCUIT.—Continued.

[illegible]

FIFTEENTH JUDICIAL CIRCUIT.—Continued.

CHARACTER OF OFFENSE.	No. cases disposed of	Convictions	Acquittals	Nolle proseques	Abated or withdrawn	No. sentences to				Fines paid or secured	Insane Asylum	Reform School
						Death	Penitentiary	Hard Labor	Jail			
Temporary use of animal---	1	1								1		
Temporary use of property--	4	3		1				2		1		
Trading choking horse-----	1	1								1		
Trespass after warning-----	3	1		2						1		
Unlawfully riding on train---	3	2	1					2				
Vagrancy -----	3	3						3				
Violating court contract-----	2	2						2				
Violating game and fish law---	4	2	1	1						2		
Violating prohibition law-----	118	69	16	13	20			42	2	26		
Violating Sunday law-----	1		1									
Violating stock law-----	2	2						1		1		
Violating written contract---	6	1	3	1	1					1		
Total -----	538	338	95	65	40		73	125	2	136		3

Percentage of convictions in cases disposed of, 63.

Predominant crime, Violation of Prohibition Law.

SIXTEENTH JUDICIAL CIRCUIT.

Composed of the Counties of Blount, Etowah and St. Clair.

Jas. A. Embry, Solicitor.

CHARACTER OF OFFENSE.	No. cases disposed of	Convictions	Acquittals	Nolle proseques	Abated or withdrawn	No. sentences to				Fines paid or secured	Insane Asylum	Reform School
						Death	Penitentiary	Hard Labor	Jail			
Abusive language -----	27	20	2	5				1		19		
Adultery and fornication----	4	1		3						1		
Aiding escape -----	3			3								
Assault and battery-----	38	31	2	5				4		27		
Assault, intent to murder----	10	7		3			7					
Assault, intent to ravish----	1			1								
Bastardy -----	1	1								1		
Burglary -----	10	5	2	3			3	2				
Burglary and grand larceny-----	2	2						2				
Carnal knowledge, girl under 12-----	1			1								
Concealed weapons -----	13	5		8				1		4		
Cruelty to animals-----	1	1								1		
Defaulting road hand-----	27	14	2	11				1		14		
Disturbing religious worship-----	6	3	1	2						3		
Embezzlement -----	2			2								
Forgery, first degree-----	1		1									
Gaming -----	6	5	1							5		
Gaming on Sunday-----	3	3								3		
Giving liquor to minor-----	5	2	2	1						2		
Incest -----	1	1					1					
Larceny, grand-----	8	5	1	2			3	2				
Larceny, petit-----	4	1	1	2				1				
Manslaughter, first degree-----	3	1	1	1			1					
Murder, first degree-----	4	2	7				2					
Murder, second degree-----	5	4	1				3					*

SIXTEENTH JUDICIAL CIRCUIT.—Continued.

CHARACTER OF OFFENSE.	No. cases disposed of	Convictions	Acquittals	Nolle proseques	Abated or withdrawn	No. sentences to				Fines paid or secured	Insane Asylum	Reform School
						Death	Penitentiary	Hard Labor	Jail			
Presenting gun-----	1	1								1		
Public drunkenness-----	6	5		1				1		5		
Seduction-----	1			1								
Selling cigarettes to minor--	1	1								1		
Shooting across public road	3	1	1	1						1		
Trespass after warning-----	3		1	2								
Unlawful injury to animal--	6	6								6		
Unlawfully killing animal--	3	3								3		
Vagrancy-----	2	1		1				1				
Violating game and fish law	1			1								
Violating prohibition law---	96	48	17	28	3			25	2	30		
Violating stock law-----	4	4								4		
Violating forestry law-----	1		1									
Total-----	314	184	39	88	3	21	40	2	131			

Percentage of convictions in cases disposed of, 59.

Predominant crime, Violation of Prohibition Law.

*Escaped before sentenced.

F. Lloyd Tate, Solicitor, Wetumpka, Ala.

[illegible]

AUTAUGA COUNTY CIRCUIT COURT.—*Continued.*

CHARACTER OF OFFENSE.	No. cases disposed of	Convictions	Acquittals	Nolle proseques	Abated or withdrawn	No. sentences to				Fines paid or secured	Insane Asylum	Reform School
						Death	Penitentiary	Hard Labor	Jail			
Larceny, grand -----	2	---	---	1	1	---	---	---	---	---	---	---
Larceny, petit -----	11	6	4	1	---	---	---	3	---	3	---	---
Manslaughter, first degree-----	2	1	1	---	---	---	1	---	---	---	---	---
Murder, first degree-----	11	8	3	---	---	---	8	---	---	---	---	---
Murder, second degree-----	4	2	2	---	---	---	2	---	---	---	---	---
Presenting gun -----	1	1	---	---	---	---	---	1	---	---	---	---
Public drunkenness-----	11	9	---	1	1	---	---	2	---	7	---	---
Robbery -----	1	1	---	---	---	---	1	---	---	---	---	---
Seduction -----	1	---	---	1	---	---	---	---	---	---	---	---
Selling mortgaged property-----	2	1	1	---	---	---	---	1	---	---	---	---
Trespass after warning-----	1	1	---	---	---	---	---	---	---	1	---	---
Violating court contract-----	2	2	---	---	---	---	---	2	---	---	---	---
Violating prohibition law-----	31	25	5	1	---	---	---	24	1	---	---	---
Violating Sunday law-----	1	---	1	---	---	---	---	---	---	---	---	---
Violating stock law-----	1	1	---	---	---	---	---	1	---	---	---	---
Violating written contract-----	3	1	1	1	---	---	---	---	---	1	---	---
Total -----	173	115	32	17	9	24	53	1	36	---	---	1

Percentage of convictions in cases disposed of, 66.

Predominant crime, Violation of Prohibition Law.

CIRCUIT COURT OF BALDWIN COUNTY.

C. R. Bricken, Solicitor.

Second Circuit.

CHARACTER OF OFFENSE.	No. cases disposed of	Convictions	Acquittals	Nolle proseques	Abated or withdrawn	No. sentences to				Fines paid or secured	Insane Asylum	Reform School
						Death	Penitentiary	Hard Labor	Jail			
Abusive language.....	9	9								9		
Adultery and fornication...	2	2								2		
Assault and battery.....	5	4		1				1		3		
Assault and battery with weapon	6	3	1	2						3		
Assault, intent to murder....	4	4					2	2				
Assault, intent to ravish....	1	1					1					
Burglary	2	2						2				
Burglary and grand larceny	2	2						1				1
Carnal knowledge, girl un- der 12	1	1					1					
Concealed weapons.....	2	2								2		
Contempt of court.....	6	4		2						4		
Defaulting road hand.....	1	1								1		
Disturbing religious worship	8	8								8		
Escape	1	1							1			
Gaming	8	8								8		
Larceny, grand.....	2	1		1			1					
Larceny, petit.....	8	8								8		
Manslaughter, first degree...	1	1					1					
Murder, first degree.....	3	2		1			2					
Obstructing public road.....	1	1								1		
Perjury	1			1								
Pistol in possession off prem- ises	7	5		2						5		
Presenting gun.....	2	1		1						1		

CIRCUIT COURT OF BALDWIN COUNTY.—Continued.

CHARACTER OF OFFENSE.	No. cases disposed of	Convictions	Acquittals	Nolle proseques	Abated or withdrawn	No. sentences to				Fines paid or secured	Insane Asylum	Reform School
						Death	Penitentiary	Hard Labor	Jail			
Public drunkenness.....	2	2								2		
Seduction	1			1								
Selling liquor to minor.....	1			1								
Selling mortgaged property.....	1	1								1		
Trespass after warning.....	1		1									
Unlawful injury to animal.....	1	1								1		
Violating prohibition law.....	12	8		4				3		5		
Total	102	83	2	17			8	9	1	64		1

Percentage of convictions in cases disposed of, 82.

Predominant crime, Violation of Prohibition Law.

BARBOUR COUNTY CIRCUIT COURT.

H. B. Steagall, Solicitor.

CHARACTER OF OFFENSE.	No. cases disposed of	Convictions	Acquittals	Nolle proseques	Abated or withdrawn	No. sentences to				Fines paid or secured	Insane Asylum	Reform School
						Death	Penitentiary	Hard Labor	Jail			
Abusive language-----	1	1								1		
Arson, second degree-----	1	1					1					
Assault and battery-----	28	26		2				9		17		
Assault, intent to murder--	13	6	2	5			6					
Bigamy -----	1		1									
Burglary -----	12	8	1	3			8					
Concealed weapons-----	25	16	5	4				11		8		
Cruelty to animals-----	2	1		1						1		
Defamation -----	1	1								1		
Disorderly conduct-----	6	1	2	3						1		
Disturbing religious worship	2	1		1						1		
Disposing of property under lien -----	2	1		1						1		
Embezzlement -----	1		1									
False pretense -----	2			2								
Forgery, first degree-----	1				1							
Gaming -----	4	2		2						2		
Gaming on Sunday-----	1			1								
Larceny, grand-----	10	4	4	2			3	1				
Larceny, petit-----	18	10	2	6				4		6		
Manslaughter, first degree--	4	4					4					
Miscegenation -----	2			2								
Murder, first degree-----	4	3	1				3					
Murder, second degree-----	7	7					7					
Practicing dentistry without a license -----	1	1								1		
Public drunkenness-----	2	1		1						1		

BARBOUR COUNTY CIRCUIT COURT.—*Continued.*

CHARACTER OF OFFENSE.	No. cases disposed of	Convictions	Acquittals	Nolle proseques	Abated or withdrawn	No. sentences to				Fines paid or secured	Insane Asylum	Reform School
						Death	Penitentiary	Hard Labor	Jail			
Rape -----	3	1	1	---	1	---	1	---	---	---	---	---
Removing property under lien -----	1	---	---	---	1	---	---	---	---	---	---	---
Resisting officer -----	2	2	---	---	---	---	---	---	---	2	---	---
Shooting into dwelling -----	1	1	---	---	---	---	---	1	---	---	---	---
Selling mortgaged property -----	6	---	2	4	---	---	---	---	---	---	---	---
Shooting across public road -----	3	3	---	---	---	---	---	---	---	3	---	---
Vagrancy -----	7	6	---	1	---	---	---	3	2	3	---	---
Violating court contract -----	3	1	---	2	---	---	---	---	---	1	---	---
Violating game and fish law -----	16	5	2	9	---	---	---	---	---	5	---	---
Violating prohibition law -----	67	21	13	33	---	---	---	20	---	1	---	---
Violating revenue law -----	4	---	---	4	---	---	---	---	---	---	---	---
Total -----	264	135	37	89	3	---	33	49	2	56	---	---

Percentage of convictions in cases disposed of, 50.

Predominant crime, Violating Prohibition Law.

CIRCUIT COURT OF BIBB COUNTY.

J. F. Thompson, Solicitor.

CHARACTER OF OFFENSE.	No. cases disposed of	Convictions	Acquittals	Nolle proseques	Abated or withdrawn	No. sentences to				Fines paid or secured	Insane Asylum	Reform School
						Death	Penitentiary	Hard Labor	Jail			
Arson, third degree	1	1						1				
Assault and battery	4	4								4		
Assault and battery with weapon	23	23						6		17		
Burglary	4	2	2				1	1				
Escape	1	1						1				
Forgery, second degree	1			1								
Forgery, third degree	1	1							1			
Larceny, grand	7	2	2	3				2				
Larceny, petit	11	11						11	1	6		
Manslaughter, first degree	2	2					1	1				
Murder, first degree	6	5			1	3	2					
Presenting gun	1	1								1		
Violating prohibition law	41	30	2	9				2		23		
Total	103	83	6	13	1	3	4	18	2	56		

Percentage of convictions in cases disposed of, 80.

Predominant crime, Violation of Prohibition Law.

CIRCUIT COURT OF BLOUNT COUNTY.

Jas. A. Embry, Solicitor.

CHARACTER OF OFFENSE.	No. cases disposed of	Convictions	Acquittals	Nolle proseques	Abated or withdrawn	No. sentences to				Fines paid or secured	Insane Asylum	Reform School
						Death	Penitentiary	Hard Labor	Jail			
Abusive language	8	5	1	2				1		4		
Adultery and fornication	1			1								
Assault and battery	13	9	1	3				4		5		
Assault, intent to murder	5	4		1			4					
Bastardy	1	1								1		
Burglary	5	3	1	1			3					
Concealed weapons	6	3		3				1		2		
Cruelty to animals	1	1								1		
Defaulting road hand	6	3		3						3		
Disturbing religious worship	6	3	1	2						3		
Embezzlement	2			2								
Gaming	3	3								3		
Giving liquor to minor	2	1	1							1		
Larceny, grand	3	1		2			1					
Larceny, petit	4	1	1	2				1				
Manslaughter, first degree	3	1	1	1			1					
Murder, first degree	1		1									
Murder, second degree	3	2	1				2					
Public drunkenness	1	1						1		1		
Seduction	1			1								
Shooting across public road	2	1		1						1		
Vagrancy	2	1		1				1				
Violating prohibition law	22	8	4	8	2					8		
Violating stock law	3	3								3		
Total	104	55	13	34	2		11	9		36		

Percentage of convictions in cases disposed of, 51.

Predominant crime, Violation of Prohibition Law.

CIRCUIT COURT OF BULLOCK COUNTY.

H. B. Steagall, Solicitor.

CHARACTER OF OFFENSE.	No. cases disposed of	Convictions	Acquittals	Nolle proseques	Anatol or withdrawn	No. sentences to				Fines paid or secured	Insane Asylum	Reform School
						Death	Penitentiary	Hard Labor	Jail			
Abusive language -----	1	1								1		
Aiding escape -----	2	2						1		1		
Arson, first degree -----	2		1	1								
Assault and battery -----	24	23		1				12		22		
Assault, intent to murder -----	17	11		5	1		1	10				
Betting at cards -----	2	1		1						1		
Bigamy -----	1	1					1					
Burglary -----	11	7		4			2	5				
Carnal knowledge, girl under 12 -----	1		1									
Concealed weapons -----	30	25		5				25		25		
False pretense -----	1			1								
Forgery, second degree -----	3	3					3					
Forgery, third degree -----	3	3						3				
Incest -----	1		1									
Larceny, grand -----	14	10		4				10				
Larceny, petit -----	6	6						4	1	6		
Manslaughter, first degree -----	1	1					1					
Murder, second degree -----	5	2	1	2			2					
Public drunkenness -----	2	2								2		
Robbery -----	1	1				1						
Selling mortgaged property -----	4	3		1						3		
Shooting across public road -----	2	1		1						1		
Temporary use of animal -----	2	2						2		2		
Vagrancy -----	3	3						3		3		
Violating court contract -----	1	1						1		1		
Violating prohibition law -----	42	30	4	6	2			30		30		
Total -----	182	139	8	32	3	11	106	1	98			

Percentage of convictions in cases disposed of, 77.

Predominant crime, Violation of Prohibition Law.

CIRCUIT COURT OF BUTLER COUNTY.—Continued.

CHARACTER OF OFFENSE.	No. cases disposed of	Convictions	Acquittals	Nolle proseques	Abated or withdrawn	No. sentences to				Fines paid or secured	Insane Asylum	Reform School
						Death	Penitentiary	Hard Labor	Jail			
Public drunkenness.....	2	2						1		1		
Rape	1	1					1					
Receiving stolen property....	1	1						1				
Robbery	3		1		2							
Shooting into dwelling.....	1	1								1		
Shooting across public road..	1	1								1		
Trespass after warning.....	1			1								
Unlawfully riding on train..	3	3						1		2		
Violating court contract....	1		1									
Violating game and fish law..	1		1									
Violating prohibition law....	39	25	3	11				13		12		
Violating Sunday law.....	1	1						1				
Violating sunrise and sunset law	2	2								2		
Total	169	133	11	20	5	1	21	41		70		

Percentage of convictions in cases disposed of, 79.

Predominant crime, Violation of Prohibition Law.

CIRCUIT COURT OF CALHOUN COUNTY.

Chas. S. Cornelius, Solicitor.

CHARACTER OF OFFENSE.	No. cases disposed of	Convictions	Acquittals	Nolle proseques	Abated or withdrawn	No. sentences to				Fines paid or secured	Insane Asylum	Reform School
						Death	Penitentiary	Hard Labor	Jail			
Assault and Battery-----	2	2								2		
Total -----	2	2								2		

Percentage of convictions in cases disposed of, 100.

Predominant crime, Assault and Battery.

CIRCUIT COURT OF CHAMBERS COUNTY.

W. B. Bowling, Solicitor.

CHARACTER OF OFFENSE.	No. cases disposed of	Convictions	Acquittals	Nolle proseques	Abated or withdrawn	No. sentences to				Fines paid or secured	Insane Asylum	Reform School
						Death	Penitentiary	Hard Labor	Jail			
Abusive language	7	5	1	1						5		
Allowing minor to play pool	1	1								1		
Arson, second degree	1	1					1					
Assault	1			1								
Assault and battery	1	1								1		
Assault and battery with weapon	24	20		4						20		
Assault, intent to murder	13	8		5			8					
Attempt at burglary	1	1								1		
Bastardy	1	1								1		
Burglary	5	5					5					
Burglary and grand larceny	2	2					2					
Concealed weapons	35	27	2	6						27		
Defaulting road hand	1		1									
Disturbing religious worship	10	10								10		
Embezzlement	1	1					1					
False personation	1		1									
False pretense	5	2		3						2		
Forgery, second degree	2	2					2					
Gaming	7	2	1	4						2		
Justice of peace, neglect of duty	1			1								
Larceny, grand	4	4					4					
Larceny, petit	14	10		4					10	10		
Manslaughter, first degree	5	5					5					
Manslaughter, second degree	4	3		1				2		1		
Murder, first degree	4	1	3				1					

CIRCUIT COURT OF CHAMBERS COUNTY.—Continued.

CHARACTER OF OFFENSE.	No. cases disposed of					No. sentences to				Fines paid or secured	Insane Asylum	Reform School
		Convictions	Acquittals	Nolle proseques	Abated or withdrawn	Death	Penitentiary	Hard Labor	Jail			
Murder, second degree----	10	9	---	1	---	---	9	---	---	---	---	---
Presenting gun-----	1	---	1	---	---	---	---	---	---	---	---	---
Public drunkenness-----	11	9	1	1	---	---	---	---	---	9	---	---
Receiving stolen property----	1	---	1	---	---	---	---	---	---	---	---	---
Sending abusive letter-----	1	---	---	1	---	---	---	---	---	---	---	---
Selling mortgaged property----	6	2	2	2	---	---	---	---	---	2	---	---
Shooting across public road----	4	1	2	1	---	---	---	---	---	1	---	---
Throwing missile at train----	1	1	---	---	---	---	---	1	---	---	---	---
Vagrancy-----	1	---	---	1	---	---	---	---	---	---	---	---
Violating prohibition law----	62	41	---	16	5	---	29	---	---	34	---	---
Violating Sunday law-----	2	2	---	---	---	---	---	---	---	2	---	---
Violating written contract----	2	---	---	1	1	---	---	---	---	---	---	---
Total-----	253	177	16	54	6	38	2	40	101	---	---	---

Percentage of convictions in cases disposed of, 70.

Predominant crime, Violating Prohibition Law.

CHEROKEE COUNTY CIRCUIT COURT.

C. C. Appleton, Solicitor.

CHARACTER OF OFFENSE.	No. cases disposed of	Convictions	Acquittals	Nolle proseques	Abated or withdrawn	No. sentences to				Fines paid or secured	Insane Asylum	Reform School
						Death	Penitentiary	Hard Labor	Jail			
Abduction	1			1								
Abusive language.....	23	6	1	16						6		
Adultery and fornication....	1			1								
Assault and battery.....	9	3	1	5						3		
Assault and battery with weapon	3	3								3		
Assault, intent to ravish....	1		1									
Burglary	5	2	1	1	1		2					
Concealed weapons.....	16	7	4	5				1		6		
Defamation	1		1									
Disturbing religious worship	12	3	4	5						3		
Disturbing females	1		1									
Disturbing public assembly..	3	2		1						2		
Gaming	2			2								
Larceny, grand.....	3		2	1								
Larceny, petit.....	4	2	1	1					1	1		
Manslaughter, first degree..	5	4		1			4					
Murder, second degree.....	1		1									
Perjury	1			1								
Practicing medicine without a license	1	1								1		
Public drunkenness.....	41	23	3	15						23		
Selling mortgaged property..	3		3									
Trespass after warning.....	1	1								1		
Violating court contract....	3		3									
Violating prohibition law....	33	11	9	13				2		10		
Violating stock law.....	1	1								1		
Total	176	69	37	69	1		6	3	1	60		

Percentage of convictions in cases disposed of, 39.

Predominant crime, Public Drunkenness.

CHILTON COUNTY CIRCUIT COURT.

F. Lloyd Tate, Solicitor.

CHARACTER OF OFFENSE.	No. cases disposed of	Convictions	Acquittals	Nolle proseques	Abated or withdrawn	No. sentences to				Fines paid or secured	Insane Asylum	Reform School
						Death	Penitentiary	Hard Labor	Jail			
Abusive language.....	4	4						2		2		
Arson, second degree.....	3	1	2				1					
Assault and battery.....	19	11	8					4		7		
Assault and battery with weapon	7	6	1					2		4		
Assault, intent to murder...	5	4	1				3	1				
Assault, intent to ravish....	2		2									
Bribery	1		1									
Bigamy	1	1					1					
Burglary	3	1	1	1			1					
Burglary and grand larceny...	4	3	1				2	1				
Concealed weapons.....	12	8	1	3				4		4		
Defacing public buildings....	1	1								1		
Defaulting road hand.....	3	2	1							2		
Disturbing religious worship	3	2	1							2		
Embezzlement	1	1					1					
Enticing labor.....	1			1								
False pretense	1			1								
Forgery, first degree.....	1	1					1					
Forgery, second degree.....	1				1							
Gaming	2				2							
Gaming on Sunday.....	1	1								1		
Gambling in public place....	1	1								1		
Keeping house of prostitution	1		1									
Larceny, grand.....	6	4	1		1		4					
Larceny, petit.....	4	3		1				2		1		
Malicious injury to animal..	5	2	2	1				1		1		

CHILTON COUNTY CIRCUIT COURT.—Continued.

CHARACTER OF OFFENSE.	No. cases disposed of	Convictions	Acquittals	Nolle proseques	Abated or withdrawn	No. sentences to				Fines paid or secured	Insane Asylum	Reform School
						Death	Penitentiary	Hard Labor	Jail			
Manslaughter, second degree	1	1						1				
Murder, first degree	9	7	1	1			7					
Murder, second degree	1	1					1					
Obstructing railroad	2	2					2					
Public drunkenness	12	9	1	1	1			2		7		
Resisting officer	1		1									
Seduction	1		1									
Selling mortgaged property	2			2								
Shooting across public road	1	1								1		
Temporary use of property	1	1								1		
Trading choking horse	1	1								1		
Unlawfully riding on train	3	2	1					2				
Vagrancy	3	3						3				
Violating game and fish law	3	1	1	1						1		
Violating prohibition law	48	21	5	4	18			10		12		
Violating stock law	1	1								1		
Total	183	108	35	17	23		24	35		50		

Percentage of convictions in cases disposed of, 59.

Predominant crime, Violating Prohibition Law.

CIRCUIT COURT OF CHOCTAW COUNTY.

John McDuffie, Solicitor.

CHARACTER OF OFFENSE.	No. cases disposed of	Convictions	Acquittals	Nolle proseques	Abated or withdrawn	No. sentences to				Fines paid or secured	Insane Asylum	Reform School
						Death	Penitentiary	Hard Labor	Jail			
Assault and battery-----	1	1								1		
Assault and battery with weapon -----	9	9								9		
Assault, intent to murder---	3		2	1								
Assault, intent to rob-----	1		1									
Bastardy -----	1	1								1		
Burglary -----	1	1					1					
Burglary and grand larceny	2	2						1		1		
Larceny, grand-----	2	1		1				1				
Larceny, petit-----	9	9							5	9		
Manslaughter, first degree---	1	1					1					
Murder, first degree-----	7	3	2	2		2	1					
Murder, second degree-----	5	3		2			3					
Violating prohibition law---	50	32	2	9	7			1	4	27		
Total -----	92	63	7	15	7	2	6	3	9	47		

Percentage of convictions in cases disposed of, 70.

Predominant crime, Violation of Prohibition Law.

CIRCUIT COURT OF CLARKE COUNTY.

John McDuffie, Solicitor.

CHARACTER OF OFFENSE.	No. cases disposed of	Convictions	Acquittals	Nolle proseques	Abated or withdrawn	No. sentences to				Fines paid or secured	Insane Asylum	Reform School
						Death	Penitentiary	Hard Labor	Jail			
Aiding escape-----	3	3					3					
Arson, second degree-----	3		1		2							
Assault and battery with weapon-----	2	2								2		
Assault, intent to murder-----	5	4		1			2	2				
Bigamy-----	1			1								
Burglary-----	8	3		4	1			2		1		
Burglary and grand larceny-----	2		1	1								
Carnal knowledge, girl over 12-----	2	2						1		1		
False pretense-----	2			1	1							
Forgery, third degree-----	4	2			2			1		1		
Incest-----	1	1					1					
Kidnapping-----	1				1							
Larceny, grand-----	22	19	1	2			6	13				
Larceny, petit-----	10	10								10		
Miscegenation-----	1				1							
Murder, first degree-----	3	2		1		1	1					
Murder, second degree-----	3	3					3					
Perjury-----	1	1					1					
Rape-----	1	1					1					
Robbery-----	1	1					1					
Violating election law-----	1				1							
Total-----	77	54	3	11	9	1	19	19		15		

Percentage of convictions in cases disposed of, 70.

Predominant crime, Grand Larceny.

CIRCUIT COURT OF CLEBURNE COUNTY.

Charles S. Cornelius, Solicitor.

CHARACTER OF OFFENSE.	No. cases disposed of	Convictions	Acquittals	Nolle prosequies	Abated or withdrawn	No. sentences to				Fines paid or secured	Insane Asylum	Reform School
						Death	Penitentiary	Hard Labor	Jail			
Abusive language	27	18	2	7						18		
Adultery and fornication....	1	1						1		1		
Affray	2		1	1								
Arson, second degree	1	1				1						
Assault	1	1								1		
Assault and battery	21	13	3	3	2					13		
Assault and battery with weapon	2	2								2		
Assault, intent to murder....	6	2		3	1		2					
Assault, intent to rob	2	2					2					
Attempt to commit a felony..	1		1									
Burglary	2	1	1				1					
Concealed weapons	27	17	6	3	1					17		
Decoying child	2	2							2			
Defacing public buildings....	2	2								2		
Defamation	5	4	1					4		4		
Defaulting road hand	2	2								2		
Disturbing religious worship	7	6	1							6		
Disposing of property under lien	1		1									
False pretense	4	4								4		
Indecent exposure of person	1	1								1		
Incest	1	1					1					
Kidnapping	2			2								
Larceny, grand	5	3	2				3					
Larceny, petit	12	4	2	6				1	1	3		
Murder, first degree	2	1	1				1					

CIRCUIT COURT OF CLEBURNE COUNTY.—*Continued.*

CHARACTER OF OFFENSE.	No. cases disposed of	Convictions	Acquittals	Nolle proseques	Abated or withdrawn	No. sentences to				Fines paid or secured	Insane Asylum	Reform School
						Death	Penitentiary	Hard Labor	Jail			
Murder, second degree-----	1	1					1					
Operating slot machine-----	1	1								1		
Perjury -----	2			2								
Practicing dentistry without a license -----	1	1								1		
Practicing medicine without a license -----	1	1								1		
Public drunkenness-----	37	32	2	3						32		
Seduction -----	1			1								
Shooting across public road--	6	5	1							5		
Throwing missile at train--	1	1					1					
Trespass after warning-----	2	1	1							1		
Vagrancy -----	1	1								1		
Violating court contract-----	1	1								1		
Violating game and fish law	1	1						1		1		
Violating prohibition law---	34	20	8	6				10		11		
Total -----	229	154	34	37	4		12	17	3	129		

Percentage of convictions in cases disposed of, 67.

Predominant crime, Public Drunkenness.

*CIRCUIT COURT OF COFFEE COUNTY.

**R. H. Parks, Solicitor.

CHARACTER OF OFFENSE.	No. cases disposed of	Convictions	Acquittals	Nolle proseques	Abated or withdrawn	No. sentences to				Fines paid or secured	Insane Asylum	Reform School
						Death	Penitentiary	Hard Labor	Jail			
Abusive language.....	7	3	---	4	---	---	---	---	---	3	---	---
Assault and battery.....	11	10	1	---	---	---	---	---	---	10	---	---
Assault, intent to murder.....	3	---	---	2	1	---	---	---	---	---	---	---
Attempt to commit a felony.....	1	---	---	1	---	---	---	---	---	---	---	---
Burglary	2	2	---	---	---	---	1	1	---	---	---	---
Concealed weapons.....	17	12	---	3	---	---	---	---	1	11	---	---
Cruelty to animals.....	1	---	---	1	---	---	---	---	---	---	---	---
Defaulting road hand.....	7	---	---	7	---	---	---	---	---	---	---	---
Disturbing religious worship.....	4	---	---	4	---	---	---	---	---	---	---	---
Embezzlement	1	1	---	---	---	---	---	---	---	1	---	---
Larceny, petit.....	4	3	1	---	---	---	---	2	---	1	---	---
Manslaughter, first degree.....	4	3	1	---	---	---	21	---	---	---	---	---
Miscegenation	1	---	1	---	---	---	---	---	---	---	---	---
Murder, first degree.....	1	1	---	---	---	---	1	---	---	---	---	---
Murder, second degree.....	4	2	1	1	---	---	2	---	---	---	---	---
Public drunkenness.....	9	5	1	3	---	---	---	---	---	5	---	---
Robbery	1	---	---	1	---	---	---	---	---	---	---	---
Selling cocaine.....	2	---	---	2	---	---	---	---	---	---	---	---
Shooting into dwelling.....	1	---	1	---	---	---	---	---	---	---	---	---
Selling mortgaged property.....	2	---	1	1	---	---	---	---	---	---	---	---
Shooting across public road.....	2	---	---	2	---	---	---	---	---	---	---	---
Shooting into church.....	1	---	---	1	---	---	---	---	---	---	---	---
Trespass after warning.....	1	---	1	---	---	---	---	---	---	---	---	---
Vagrancy	1	---	---	---	1	---	---	---	---	---	---	---
Violating prohibition law.....	36	13	3	19	1	---	---	2	1	12	---	---
Violating Sunday law.....	3	---	1	2	---	---	---	---	---	---	---	---
Violating stock law.....	1	---	---	1	---	---	---	---	---	---	---	---
Total	126	55	14	56	1	6	6	2	43	---	---	---

Percentage of convictions in cases disposed of, 44.

Predominant crime, Violation of Prohibition Law.

*Incomplete. **Deceased.

CIRCUIT COURT OF COLBERT COUNTY.

R. T. Simpson, Solicitor.

CHARACTER OF OFFENSE.	No. cases disposed of	Convictions	Acquittals	Nolle proseques	Abated or withdrawn	No. sentences to				Fines paid or secured	Insane Asylum	Reform School
						Death	Penitentiary	Hard Labor	Jail			
Abusive language.....	12	9	---	3	---	---	---	---	---	9	---	---
Adultery and fornication....	1	1	---	---	---	---	---	---	---	1	---	---
Assault and battery.....	15	10	---	5	---	---	---	1	---	9	---	---
Assault and battery with weapon	6	4	---	2	---	---	---	1	---	3	---	---
Assault, intent to murder..	4	3	---	1	---	---	3	---	---	---	---	---
Burglary	8	6	1	1	---	---	6	---	---	---	---	---
Concealed weapons.....	16	9	1	6	---	---	---	3	---	7	---	1
Disturbing religious worship	6	3	---	3	---	---	---	---	---	3	---	---
Disturbing females	1	---	---	1	---	---	---	---	---	---	---	---
Escape	1	1	---	---	---	---	---	1	---	---	---	---
False pretense	1	---	1	---	---	---	---	---	---	---	---	---
Forgery, first degree.....	4	2	1	1	---	---	2	---	---	---	---	---
Gaming	16	8	---	8	---	---	---	---	---	8	---	---
Larceny, grand.....	18	15	1	2	---	---	15	---	---	---	---	---
Larceny, petit.....	9	8	---	1	---	---	---	4	1	3	---	---
Malicious mischief.....	2	---	1	1	---	---	---	---	---	---	---	---
Manslaughter, first degree..	2	2	---	---	---	---	2	---	---	---	---	---
Murder, first degree.....	1	1	---	---	---	---	1	---	---	---	---	---
Murder, second degree.....	7	6	1	---	---	---	6	---	---	---	---	---
Perjury	3	---	2	1	---	---	---	---	---	---	---	---
Public drunkenness.....	11	6	1	4	---	---	---	1	---	5	---	---
Resisting officer.....	1	1	---	---	---	---	---	1	---	1	---	---
Robbery	3	1	---	2	---	---	1	---	---	---	---	---
Seduction	1	---	---	1	---	---	---	---	---	---	---	---
Selling mortgaged property..	2	1	---	1	---	---	---	---	---	1	---	---

CIRCUIT COURT OF COLBERT COUNTY.—*Continued.*

CHARACTER OF OFFENSE.	No. cases disposed of	Convictions	Acquittals	Nolle prosequies	Abated or withdrawn	No. sentences to				Fines paid or secured	Insane Asylum	Reform School
						Death	Penitentiary	Hard Labor	Jail			
Trespass after warning----	1	---	---	1	---	---	---	---	---	---	---	---
Vagrancy -----	26	14	---	11	1	---	---	1	---	13	---	---
Violating game and fish law	1	---	---	1	---	---	---	---	---	---	---	---
Violating prohibition law---	26	5	1	20	---	---	---	---	---	5	---	---
Total -----	205	116	11	77	1	36	13	1	68	---	---	---

Percentage of convictions in cases disposed of, 57.

Predominant crime, Vagrancy.

CIRCUIT COURT OF CONECUH COUNTY.—*Continued.*

CHARACTER OF OFFENSE.	No. cases disposed of	Convictions	Acquittals	Nolle prosequies	Abated or withdrawn	No. sentences to				Fines paid or secured	Insane Asylum	Reform School
						Death	Penitentiary	Hard Labor	Jail			
Shooting across public road	1	---	---	1	---	---	---	---	---	---	---	---
Violating court contract----	1	---	---	1	---	---	---	---	---	---	---	---
Violating prohibition law----	39	29	1	9	---	---	---	2	---	27	---	---
Violating Sunday law-----	12	12	---	---	---	---	---	---	---	---	12	---
Total -----	178	142	7	28	1	---	12	30	---	100	---	---

Percentage of convictions in cases disposed of, 80.

Predominant crime, Violation of Prohibition Law.

CIRCUIT COURT OF COOSA COUNTY.

W. B. Bowling, Solicitor.

CHARACTER OF OFFENSE.	No. cases disposed of	Convictions	Acquittals	Nolle proseques	Abated or withdrawn	No. sentences to				Fines paid or secured	Insane Asylum	Reform School
						Death	Penitentiary	Hard Labor	Jail			
Abusive language -----	7	6	1	---	---	---	---	---	---	6	---	---
Arson, second degree -----	1	1	---	---	---	---	1	---	---	---	---	---
Assault and battery -----	6	4	2	---	---	---	---	---	---	4	---	---
Assault and battery with weapon -----	10	8	1	1	---	---	---	---	---	8	---	---
Assault, intent to murder --	1	1	---	---	---	---	1	---	---	---	---	---
Concealed weapons -----	7	5	---	2	---	---	---	---	---	5	---	---
Cruelty to animals -----	1	---	---	1	---	---	---	---	---	---	---	---
Defaulting road hand -----	1	---	1	---	---	---	---	---	---	---	---	---
Disturbing religious worship	6	1	2	3	---	---	---	---	---	1	---	---
Embezzlement -----	4	1	---	---	3	---	---	---	---	1	---	---
Larceny, grand -----	3	3	---	---	---	---	3	---	---	---	---	---
Manslaughter, first degree --	1	1	---	---	---	---	1	---	---	---	---	---
Murder, first degree -----	2	2	---	---	---	1	1	---	---	---	---	---
Murder, second degree -----	1	1	---	---	---	---	1	---	---	---	---	---
Official neglect -----	1	---	---	1	---	---	---	---	---	---	---	---
Presenting gun -----	1	---	---	1	---	---	---	---	---	---	---	---
Public drunkenness -----	5	4	---	1	---	---	---	---	---	4	---	---
Violating prohibition law ---	12	7	2	2	1	---	---	---	---	7	---	---
Violating pistol law -----	1	1	---	---	---	---	---	---	---	1	---	---
Total -----	72	47	9	12	4	1	8	---	---	38	---	---

Percentage of convictions in cases disposed of, 65.

Predominant crime, Violating Prohibition Law.

*CIRCUIT COURT OF COVINGTON COUNTY.

**R. H. Parks, Solicitor.

CHARACTER OF OFFENSE.	No. cases disposed of	No. sentences to								Fines paid or secured	Insane Asylum	Reform School
		Convictions	Acquittals	Nolle prosequies	Abated or withdrawn	Death	Penitentiary	Hard Labor	Jail			
Abusive language.....	14	9	1	4						9		
Aiding escape.....	1			1								
Assault and battery.....	30	19	6	5				4		15		
Assault, intent to murder....	15	5	3	7			5					
Burglary.....	6	4		1	1		3	1				
Carnal knowledge, girl under 12.....	1	1					1					
Concealed weapons.....	20	10	3	6	1			1		9		
Changing marks or brand.....	1			1								
Defaulting road hand.....	2		2									
Disturbing religious worship	3	1		2						1		
Disposing of property fraudulently.....	1	1					1					
Embezzlement.....	5		1	4								
Escape.....	4	2	1	1				2				
False pretense.....	5	2	1	2						2		
Forgery, first degree.....	1			1								
Incest.....	1	1					1					
Kidnapping.....	1				1							
Larceny, grand.....	9	5	3	1			4	1				
Larceny, petit.....	6	2	4							2		
Manslaughter, first degree....	4	3		1			3					
Murder, first degree.....	5	2	2	1			2					
Murder, second degree.....	4	2	2				2					
Overseer, neglect of duty.....	1	1								1		
Perjury.....	1			1								

CIRCUIT COURT OF COVINGTON COUNTY.—*Continued.*

CHARACTER OF OFFENSE.	No. cases disposed of	Convictions	Acquittals	Nolle proseques	Abated or withdrawn	No. sentences to				Fines paid or secured	Insane Asylum	Reform School
						Death	Penitentiary	Hard Labor	Jail			
Practicing medicine without a license -----	3			3								
Public drunkenness -----	5	3	1	1						3		
Resisting officer -----	1	1								1		
Robbery -----	1		1									
Seduction -----	1	1					1					
Selling mortgaged property -----	2		2									
Shooting across public road -----	5		2	3								
Violating automobile law -----	5	5								5		
Violating prohibition law -----	67	27	10	30				20	1	24		
Total -----	231	107	45	76	3		23	29	1	72		

Percentage of convictions in cases disposed of, 46.

Predominant crime, Violation of Prohibition Law.

*Incomplete.

**Deceased.

CIRCUIT COURT OF CRENSHAW COUNTY.—Continued.

CHARACTER OF OFFENSE.	No. cases disposed of	Convictions	Acquittals	Nolle proseques	Abated or withdrawn	No. sentences to				Fines paid or secured	Insane Asylum	Reform School
						Death	Penitentiary	Hard Labor	Jail			
Trespass after warning----	2	2	---	---	---	---	---	---	---	2	---	---
Violating automobile law----	1	1	---	---	---	---	---	---	---	1	---	---
Violating court contract----	4	4	---	---	---	---	---	2	---	2	---	---
Violating prohibition law----	18	15	---	3	---	---	---	6	---	10	---	---
Violating Sunday law-----	5	5	---	---	---	---	---	---	---	5	---	---
Total -----	162	149	3	10	---	---	13	25	---	113	---	---

Percentage of convictions in cases disposed of, 92.

Predominant crime, Gaming.

CIRCUIT COURT OF CULLMAN COUNTY.

D. C. Almon, Solicitor.

CHARACTER OF OFFENSE.	No. cases disposed of	No. sentences to								Fines paid or secured	Insane Asylum	Reform School
		Convictions	Acquittals	Nolle proseques	Abated or withdrawn	Death	Penitentiary	Hard Labor	Jail			
Arson, first degree.....	1			1								
Assault and battery with weapon	5	4	1					1		3		
Assault, intent to murder...	5	2		3			2					
Bastardy	2	2						2				
Bigamy	1			1								
Burglary	7	4		2	1		4					
False pretense	7			7								
Forgery, first degree.....	1			1								
Larceny, grand.....	9	6	2		1		6					
Manslaughter, second degree	2	1	1					1				
Murder, first degree.....	5	5				1	4					
Murder, second degree.....	9	9					9					
Perjury	5	1	2	2			1					
Robbery	2	2					2					
Seduction	2	1	1				1					
Total	63	37	7	17	2	1	29	4		3		

Percentage of convictions in cases disposed of, 59.

Predominant crime, murder.

CIRCUIT COURT OF DALE COUNTY.

Henry B. Steagall, Solicitor.

CHARACTER OF OFFENSE.	No. cases disposed of	Convictions	Acquittals	Nolle proseques	Abated or withdrawn	No. sentences to				Fines paid or secured	Insane Asylum	Reform School
						Death	Penitentiary	Hard Labor	Jail			
Abusive language-----	4	3		1						3		
Adultery and fornication---	1			1								
Assault and battery-----	28	20	3	5				7		16		
Assault, intent to murder---	4	1	1	2			1					
Burglary -----	5	4		1			3	1				
Concealed weapons-----	15	11	4					11		7		
Cruelty to animals-----	1	1								1		
Disposing of mortgaged prop- erty -----	1	1							1			
False pretense -----	1			1								
Forgery, first degree-----	4		1	3								
Gaming on Sunday-----	3	1		2						1		
Larceny, petit-----	3	3						2	1	1		
Manslaughter, first degree---	1	1					1					
Murder, first degree-----	2	1	1				1					
Murder, second degree-----	6	5	1				5					
Practicing medicine without a license -----	1	1								1		
Presenting gun-----	1	1								1		
Public drunkenness-----	21	17	2	2						17		
Selling mortgaged property---	2	1	1							1		
Vagrancy -----	1	1								1		
Violating game and fish law---	1	1								1		
Violating prohibition law---	23	15	1	7				14		7		
Violating stock law-----	1	1								1		
Total -----	130	90	15	25			11	35	1	60		

Percentage of convictions in cases disposed of, 69.

Predominant crime, Assault and Battery.

DALLAS COUNTY CIRCUIT COURT.

J. F. Thompson, Solicitor.

CHARACTER OF OFFENSE.	No. cases disposed of	Convictions	Acquittals	Nolle proseques	Abated or withdrawn	No. sentences to				Fines paid or secured	Insane Asylum	Reform School
						Death	Penitentiary	Hard Labor	Jail			
Abusive language -----	3	1	---	1	1	---	---	---	---	---	---	---
Adultery and fornication---	1	1	---	---	---	---	---	---	---	1	---	---
Aiding escape-----	2	1	---	1	---	---	---	---	---	1	---	---
Arson, second degree-----	2	1	---	---	1	---	---	---	---	---	1	---
Assault and battery-----	9	8	---	1	---	---	---	4	---	4	---	---
Assault and battery with weapon -----	33	33	---	---	---	---	---	15	---	23	---	---
Assault, intent to murder---	11	3	2	5	1	---	---	3	---	---	---	---
Attempt to commit a felony	1	1	---	---	---	---	---	1	---	---	---	---
Burglary -----	26	16	3	6	1	---	7	8	---	---	1	---
Burglary in railroad car---	2	2	---	---	---	---	1	1	---	---	---	---
Concealed weapons-----	33	33	1	8	2	---	---	15	---	7	---	---
Contempt -----	3	3	---	---	---	---	---	---	3	---	---	---
Cruelty to animals-----	2	---	---	1	---	1	---	---	---	---	---	---
Destroying fence-----	1	---	1	---	---	---	---	---	---	---	---	---
Disorderly conduct-----	1	---	1	---	---	---	---	---	---	---	---	---
Embezzlement -----	12	5	---	7	---	---	1	1	---	3	---	---
Escape -----	3	3	---	---	---	---	---	3	---	---	---	---
False pretense -----	7	2	---	5	---	---	---	2	---	---	---	---
Forgery, first degree-----	1	1	---	---	---	---	1	---	---	---	---	---
Forgery, second degree-----	2	1	---	1	---	---	1	---	---	---	---	---
Forgery, third degree-----	1	1	---	---	---	---	---	1	---	---	---	---
Gaming on Sunday-----	7	5	---	2	---	---	---	1	---	4	---	---
Intimidating -----	1	---	---	---	1	---	---	---	---	---	---	---
Issuing worthless check---	1	---	---	1	---	---	---	---	---	---	---	---
Incest -----	1	---	---	---	1	---	---	---	---	---	---	---
Larceny, grand -----	27	13	4	9	1	---	5	8	---	---	---	---
Larceny, petit-----	23	21	---	2	---	---	---	11	2	10	---	---

DALLAS COUNTY CIRCUIT COURT.—Continued.

CHARACTER OF OFFENSE.	No. cases disposed of	Convictions	Acquittals	Nolle proseques	Abated or withdrawn	No. sentences to				Fines paid or secured	Insane Asylum	Reform School
						Death	Penitentiary	Hard Labor	Jail			
Manslaughter, first degree	9	7			2		4					
Manslaughter, second degree	2	2						2				
Murder, first degree	10	3	4	3		1	2					
Murder, second degree	4	4					4					
Obstructing public justice	1	1								1		
Perjury	1			1								
Pistol in possession off premises	9	6	1	2						6		
Presenting gun	6	2		3	1					2		
Rape	1			1								
Receiving stolen property	4	2		2				1	1			
Reckless driving	1			1								
Resisting officer	1			1								
Selling seed cotton	1		1									
Shooting across public road	5	4		1				1		3		
Sodomy	1	1					1					
Temporary use of property	1	1						1				
Unlawful injury to animal	1		1									
Unlawfully killing animal	2	1	1						1			
Vagrancy	10	7		2	1			1		6		
Violating game and fish law	1	1							1			
Violating prohibition law	136	44	4	31	57			32		23		
Violating Sunday law	1	1								1		
Violating stock law	1			1								
Violating anti-trust law	1		1									
Violating pharmacy law	1	1								1		
Total	427	232	25	99	71	1	27	115	8	97	2	

Percentage of convictions in cases disposed of, 54.

Predominant crime, Violating Prohibition Law.

CIRCUIT COURT OF DeKALB COUNTY.

C. C. Appleton, Solicitor.

CHARACTER OF OFFENSE.	No. cases disposed of	Convictions	Acquittals	Nolle proseques	Abated or withdrawn	No. sentences to				Fines paid or secured	Insane Asylum	Reform School
						Death	Penitentiary	Hard Labor	Jail			
Abusive language	25	8	1	15	1					8		
Adultery and fornication	1	1								1		
Assault and battery	20	6	2	10	2					6		
Assault and battery with weapon	10	8	1	1						8		
Assault, intent to murder	1				1							
Betting at cards	2	1		1						1		
Bastardy	4	3	1							3		
Burglary	10	2		6	2		2					
Concealed weapons	19	8	3	8						8		
Defamation	3	1		2						1		
Disturbing religious worship	16	2	2	12						2		
Disturbing females	5	1		4						1		
Disturbing school	1			1								
Embezzlement	2			2								
False pretense	1			1								
Forgery, first degree	2	2					1	1				
Gambling on Sunday	6	6								6		
Giving liquor to minor	4	1	2	1						1		
Larceny, grand	2	1	1				1					
Manslaughter, first degree	2	2					2					
Murder, first degree	1	1				1						
Murder, second degree	1			1								
Perjury	2			2								
Presenting gun	2		1	1								
Public drunkenness	45	22	3	19	1					22		
Reckless driving	3			3								

CIRCUIT COURT OF DeKALB COUNTY.—*Continued.*

CHARACTER OF OFFENSE.	No. cases disposed of	No. sentences to								Fines paid or secured	Insane Asylum	Reform School
		Convictions	Acquittals	Nolle proseques	Abated or withdrawn	Death	Penitentiary	Hard Labor	Jail			
Seduction -----	2			2								
Selling liquor to minor-----	9	4		5						4		
Sending challenge-----	1			1								
Trespass after warning-----	2		1	1								
Using firearms public place--	1	1								1		
Vagrancy -----	3			3								
Violating game and fish law	1		1									
Violating prohibition law----	42	12	4	24	2			4		11		
Violating Sunday law-----	3	1		2						1		
Total -----	264	94	33	128	9	1	6	5		85		

Percentage of convictions in cases disposed of, 36.

Predominant crime, Violation of Prohibition Law.

ELMORE COUNTY CIRCUIT COURT.

F. Lloyd Tate, Solicitor, Wetumpka, Ala.

CHARACTER OF OFFENSE.	No. cases disposed of	Convictions	Acquittals	Nolle proseques	Abated or withdrawn	No. sentences to				Fines paid or secured	Insane Asylum	Reform School
						Death	Penitentiary	Hard Labor	Jail			
Abusive language.....	3	3								3		
Adultery and fornication....	2	2								2		
Aiding escape.....	1	1					1					
Assault and battery.....	3	1	1	1						1		
Assault and battery with weapon	15	8	3	3	1			3		5		
Assault, intent to murder....	9	4	1	1	3		4					
Burglary	6	5		1			3					2
Burglary and grand larceny	4	3			1		3					
Concealed weapons.....	6	5	1							5		
Defaulting road hand.....	33	24	1	8						24		
Destroying fence.....	1	1								1		
Disposing of mortgaged prop- erty	1	1								1		
Embezzlement	1	1					1					
Forgery, first degree.....	6	2	2	2			2					
Gaming	4	2	1	1						2		
Gaming on Sunday.....	2	2								2		
Incest	2			2								
Larceny, grand.....	2	1	1				1					
Larceny, petit.....	12	7	2	2	1					7		
Manslaughter, first degree....	3	3					3					
Manslaughter, second degree	2		2									
Murder, first degree.....	5	5					5					
Murder, second degree.....	3	1	2				1					
Obstructing railroad.....	1	1					1					
Overseer, neglect of duty....	1			1								

ELMORE COUNTY CIRCUIT COURT.—Continued.

CHARACTER OF OFFENSE.	No. cases disposed of					No. sentences to					
		Convictions	Acquittals	Nolle proseques	Abated or withdrawn	Death	Penitentiary	Hard Labor	Jail	Fines paid or secured	Reform School
Presenting gun-----	3	2	1							2	
Public drunkenness-----	2	2								2	
Selling mortgaged property--	1	1								1	
Temporary use of animal--	1	1								1	
Temporary use of property--	3	2		1				2			
Trespass after warning-----	2			2							
Violating game and fish law	1	1								1	
Violating prohibition law----	39	23	6	8	2			8	1	14	
Violating written contract--	3		2		1						
Total -----	183	115	26	33	9		25	13	1	74	2

Percentage of convictions in cases disposed of, 63.

Predominant crime, Violation of Prohibition Law.

CIRCUIT COURT OF ESCAMBIA COUNTY.

C. R. Bricken, Solicitor.

CHARACTER OF OFFENSE.	No. cases disposed of	Convictions	Acquittals	Nolle proseques	Abated or withdrawn	No. sentences to				Fines paid or secured	Insane Asylum	Reform School
						Death	Penitentiary	Hard Labor	Jail			
Abusive language -----	12	8	1	3				2		6		
Assault -----	1	1								1		
Assault and battery -----	10	9		1				2		7		
Assault and battery with weapon -----	6	6								6		
Assault, intent to murder -----	8	8					3	5				
Assault, intent to ravish -----	1	1					1					
Burglary -----	4	3	1				1	2				
Burglary and grand larceny -----	4	2		2				2				
Concealed weapons -----	20	13	1	5	1			6		7		
Disturbing religious worship -----	3	1		2						1		
Embezzlement -----	2			2								
Forgery, second degree -----	1	1						1				
Larceny, grand -----	18	15	1	2			6	9				
Larceny, petit -----	9	9						7		2		
Manslaughter, first degree -----	4	4					3	1				
Murder, first degree -----	7	6	1				6					
Murder, second degree -----	5	4		1			4					
Obstructing railroad -----	3	3					3					
Perjury -----	1			1								
Public drunkenness -----	2	2								2		
Receiving stolen property -----	1	1						1				
Removing property under lien -----	1	1								1		
Robbery -----	2	1		1			1					
Selling mortgaged property -----	2	2						1		1		
Sodomy -----	4	4					2	2				

CIRCUIT COURT OF ESCAMBIA COUNTY.—Continued.

CHARACTER OF OFFENSE.	No. cases disposed of	Convictions	Acquittals	Nolle proseques	Abated or withdrawn	No. sentences to				Fines paid or secured	Insane Asylum	Reform School
						Death	Penitentiary	Hard Labor	Jail			
Vagrancy -----	9	9	---	---	---	---	---	1	---	8	---	---
Violating prohibition law----	14	5	2	7	---	---	---	2	---	3	---	---
Violating Sunday law-----	17	14	---	3	---	---	---	---	---	14	---	---
Total -----	171	133	7	30	1	---	30	44	---	59	---	---

Percentage of convictions in cases disposed of, 78.

Predominant crime, Carrying concealed weapons.

CIRCUIT COURT OF ETOWAH COUNTY.

Jas. A. Embry, Solicitor.

CHARACTER OF OFFENSE.	No. cases disposed of	Convictions	Acquittals	Nolle proseques	Abated or withdrawn	No. sentences to				Fines paid or secured	Insane Asylum	Reform School
						Death	Penitentiary	Hard Labor	Jail			
Assault and battery-----	1	1	---	---	---	---	---	---	---	1	---	---
Violating prohibition law----	4	1	1	2	---	---	---	---	---	1	---	---
Total -----	5	2	1	2	---	---	---	---	---	2	---	---

Percentage of convictions in cases disposed of, 40.

Predominant crime, Violation of Prohibition Law.

CIRCUIT COURT OF FAYETTE COUNTY.—*Continued.*

CHARACTER OF OFFENSE.	No. cases disposed of	Convictions	Acquittals	Nolle proseques	Abated or withdrawn	No. sentences to				Fines paid or secured	Insane Asylum	Reform School
						Death	Penitentiary	Hard Labor	Jail			
Seduction -----	1	---	---	1	---	---	---	---	---	---	---	---
Selling cigarettes to minor--	1	1	---	---	---	---	---	---	---	1	---	---
Shooting across public road--	1	1	---	---	---	---	---	---	---	1	---	---
Trespass after warning-----	8	5	1	2	---	---	---	---	---	5	---	---
Violating automobile law----	1	1	---	---	---	---	---	---	---	1	---	---
Violating game and fish law---	1	1	---	---	---	---	---	---	---	1	---	---
Violating prohibition law----	29	18	1	8	2	---	---	2	11	6	---	---
Violating Sunday law-----	2	2	---	---	---	---	---	---	---	2	---	---
Violating stock law-----	12	9	---	3	---	---	---	---	---	9	---	---
Total -----	209	143	3	57	6	---	3	2	11	128	---	---

Percentage of convictions in cases disposed of, 68½.

Predominant crime, Public Drunkenness.

FRANKLIN CIRCUIT COURT.

R. T. Simpson, Solicitor.

CHARACTER OF OFFENSE.	No. cases disposed of	Convictions	Acquittals	Nolle proseques	Abated or withdrawn	No. sentences to				Fines paid or secured	Insane Asylum	Reform School
						Death	Penitentiary	Hard Labor	Jail			
Abusive language -----	14	9	1	4	---	---	---	---	---	9	---	---
Adultery and fornication---	1	1	---	---	---	---	---	---	---	1	---	---
Aiding escape -----	1	---	---	1	---	---	---	---	---	---	---	---
Assault -----	1	1	---	---	---	---	---	---	---	1	---	---
Assault and battery -----	1	1	---	---	---	---	---	---	---	1	---	---
Assault and battery with weapon -----	5	4	---	1	---	---	---	2	---	2	---	---
Concealed weapons -----	13	5	1	7	---	---	---	---	---	5	---	---
Defacing public buildings---	1	---	---	1	---	---	---	---	---	---	---	---
Defaulting road hand -----	11	---	---	11	---	---	---	---	---	---	---	---
Disturbing religious worship	6	3	---	3	---	---	---	---	---	3	---	---
Embezzlement -----	10	---	---	10	---	---	---	---	---	---	---	---
Escape -----	2	---	1	1	---	---	---	---	---	---	---	---
Forgery, first degree -----	1	---	---	1	---	---	---	---	---	---	---	---
Gaming -----	14	7	1	6	---	---	---	1	---	6	---	---
Horse racing -----	2	---	1	1	---	---	---	---	---	---	---	---
Larceny, petit -----	2	2	---	---	---	---	---	---	1	1	---	---
Malicious injury to property	1	---	---	1	---	---	---	---	---	---	---	---
Manslaughter, first degree---	3	3	---	---	---	3	---	---	---	---	---	---
Perjury -----	1	---	---	1	---	---	---	---	---	---	---	---
Public drunkenness -----	53	38	2	13	---	---	---	2	---	37	---	---
Reckless driving -----	1	1	---	---	---	---	---	---	---	1	---	---
Selling mortgaged property---	2	2	---	---	---	---	---	---	---	2	---	---
Shooting across public road---	2	1	---	1	---	---	---	---	---	1	---	---
Trespass after warning -----	1	---	1	---	---	---	---	---	---	---	---	---
Unlawfully killing dog -----	1	1	---	---	---	---	---	---	---	1	---	---
Vagrancy -----	2	2	---	---	---	---	---	2	---	---	---	---
Violating prohibition law---	47	35	3	9	---	---	---	25	---	10	---	---
Total -----	198	115	11	72	---	3	33	1	81	---	---	---

Percentage of convictions in cases disposed of, 59.

Predominant crime, Public Drunkenness.

*CIRCUIT COURT OF GENEVA COUNTY.

**R. H. Parks, Solicitor.

CHARACTER OF OFFENSE.	No. cases disposed of	Convictions	Acquittals	Nolle proseques	Abated or withdrawn	No. sentences to				Fines paid or secured	Insane Asylum	Reform School
						Death	Penitentiary	Hard Labor	Jail			
Assault and battery-----	10	10	---	---	---	---	---	1	---	9	---	---
Assault, intent to murder---	4	---	3	1	---	---	---	---	---	---	---	---
Bribery-----	1	---	---	1	---	---	---	---	---	---	---	---
Burglary-----	2	2	---	---	---	---	---	2	---	---	---	---
Forgery, first degree-----	4	---	---	4	---	---	---	---	---	---	---	---
Incest-----	1	---	1	---	---	---	---	---	---	---	---	---
Larceny, grand-----	1	---	1	---	---	---	---	---	---	---	---	---
Larceny, petit-----	2	2	---	---	---	---	---	1	---	1	---	---
Manslaughter, first degree--	3	3	---	---	---	---	2	1	---	---	---	---
Manslaughter, second degree	1	---	1	---	---	---	---	---	---	---	---	---
Murder, first degree-----	3	2	---	1	---	---	2	---	---	---	---	---
Murder, second degree-----	4	3	1	---	---	3	---	---	---	---	---	---
Perjury-----	5	1	1	3	---	---	---	1	---	---	---	---
Violating election law-----	8	---	---	8	---	---	---	---	---	---	---	---
Total-----	49	23	7	19	---	---	7	6	---	10	---	---

Percentage of convictions in cases disposed of. 47.

Predominant crime, Assault and Battery.

*Incomplete.

**Deceased.

CIRCUIT COURT OF GREENE COUNTY.

Marvin T. Ormond, Solicitor.

CHARACTER OF OFFENSE.	No. cases disposed of	Convictions	Acquittals	Nolle proseques	Abated or withdrawn	No. sentences to				Fines paid or secured	Insane Asylum	Reform School
						Death	Penitentiary	Hard Labor	Jail			
Abusive letter.....	1	1								1		
Abusive language.....	5	4		1						4		
Aiding escape.....	1	1								1		
Arson, second degree.....	1	1					1					
Assault and battery.....	30	30						1		30		
Assault, intent to murder.....	1	1					1					
Burglary.....	1	1						1				
Concealed weapons.....	14	10	2	2						10		
Cruelty to animals.....	1	1								1		
Defaulting road hand.....	2		1	1								
Disturbing religious worship.....	1		1									
False pretense.....	4	2		2						2		
Forgery, third degree.....	1	1						1				
Gaming.....	8		1	5	2							
Larceny, grand.....	9	8		1			3	3		2		
Larceny, petit.....	16	15			1			3		15		
Manslaughter, first degree.....	2	1	1				1					
Obstructing public road.....	1		1									
Overseer, neglect of duty.....	4	1		3						1		
Pistol in possession off premises.....	1	1								1		
Public drunkenness.....	3	3								3		
Receiving stolen property.....	1	1								1		
Removing mortgaged property.....	2	1		1				1		1		
Robbery.....	1	1					1					
Violating prohibition law.....	78	39	3	32	4			14		36		
Violating Sunday law.....	8	8								8		
Total.....	197	133	10	47	7	7	24			117		

Percentage of convictions in cases disposed of, 68.

Predominant crime, Violating Prohibition Law.

HENRY COUNTY CIRCUIT COURT.—*Continued.*

CHARACTER OF OFFENSE.	No. cases disposed of						No. sentences to				Fines paid or secured	Insane Asylum	Reform School
		Convictions	Acquittals	Nolle proseques	Abated or withdrawn		Death	Penitentiary	Hard Labor	Jail			
Shooting across public road	2	1	---	1	---	---	---	---	---	---	1	---	---
Trespass after warning----	2	---	1	1	---	---	---	---	---	---	---	---	---
Violating court contract----	1	1	---	---	---	---	---	---	---	---	1	---	---
Violating prohibition law----	29	20	3	6	---	---	---	20	---	---	8	---	---
Violating stock law-----	1	---	---	1	---	---	---	---	---	---	---	---	---
Violating pharmacy law----	1	1	---	---	---	---	---	---	---	---	1	---	---
Total -----	149	92	24	32	1	---	14	43	---	49	---	---	---

Percentage of convictions in cases disposed of, 62.

Predominant crime, Violating Prohibition Law.

*CIRCUIT COURT OF HOUSTON COUNTY.

**R. H. Parks, Solicitor.

CHARACTER OF OFFENSE.	No. cases disposed of	Convictions	Acquittals	Nolle proseques	Abated or withdrawn	No. sentences to				Fines paid or secured	Insane Asylum	Reform School
						Death	Penitentiary	Hard Labor	Jail			
Abusive language.....	10	6	1	3						6		
Adultery and fornication.....	1			1								
Aiding escape.....	1			1								
Arson, first degree.....	1			1								
Arson, second degree.....	1		1									
Assault and battery.....	11	6	1	4				2		4		
Assault, intent to murder.....	3	1	2				1					
Burglary.....	1	1						1				
Concealed weapons.....	7	3	1	3				1		2		
Cruelty to animals.....	1		1									
Defaulting road hand.....	1	1								1		
Escape.....	2	2						1		1		
False pretense.....	4	1		3			1					
Gaming.....	1			1								
Gaming on Sunday.....	1	1								1		
Keeping gaming table.....	1			1								
Larceny, grand.....	5			1	4							
Larceny, petit.....	5	2		1	2			1		1		
Manslaughter, first degree.....	2	2					2					
Murder, second degree.....	1	1					1					
Practicing medicine without a license.....	1			1								
Public drunkenness.....	2		1	1								
Shooting into dwelling.....	1		1									
Selling mortgaged property.....	7		2	5								
Vagrancy.....	6			6								
Violating automobile law.....	1		1									
Violating prohibition law.....	60	20	2	38				9		14		
Violating pharmacy law.....	1			1								
Total.....	139	47	14	72	6	5	15		30			

Predominant crime, Violation of Prohibition Law.

Percentage of convictions in cases disposed of, 35.

**Incomplete.

**Deceased.

CIRCUIT COURT OF JACKSON COUNTY.—*Continued.*

CHARACTER OF OFFENSE.	No. cases disposed of	Convictions	Acquittals	Nolle proseques	Abated or withdrawn	No. sentences to				Fines paid or secured	Insane Asylum	Reform School
						Death	Penitentiary	Hard Labor	Jail			
Presenting gun-----	1	---	---	1	---	---	---	---	---	---	---	---
Public drunkenness-----	11	11	---	---	---	---	---	---	---	11	---	---
Robbery-----	1	1	---	---	---	---	1	---	---	---	---	---
Shooting across public road--	2	---	1	1	---	---	---	---	---	---	---	---
Unlawful injury to animal--	15	10	2	3	---	---	---	---	---	10	---	---
Violating automobile law----	1	1	---	---	---	---	---	---	---	1	---	---
Violating prohibition law----	38	18	4	16	---	---	---	3	---	15	---	---
Violating Sunday law-----	7	6	---	1	---	---	---	---	---	6	---	---
Violating stock law-----	7	---	---	7	---	---	---	---	---	---	---	---
Total-----	220	130	20	69	1	9	14	3	111	---	---	---

Percentage of convictions in cases disposed of, 59.

Predominant crime, Violation of Prohibition Law.

CIRCUIT COURT OF JEFFERSON COUNTY.

*Jos. R. Tate, Solicitor.

CHARACTER OF OFFENSE.	No. cases disposed of	Convictions	Acquittals	Nolle proseques	Abated or withdrawn	No. sentences to				Fines paid or secured	Insane Asylum	Reform School
						Death	Penitentiary	Hard Labor	Jail			
Abusive language.....	1			1								
Assault and battery.....	2				2							
Bastardy	6		1	2	3							
Cruelty to animals.....	6		1	4	1							
Gaming on Sunday.....	1				1							
Public drunkenness.....	1				1							
Vagrancy	5	1		2	2					1		
Violating Sunday law.....	1			1								
Total	23	1	2	10	10					1		

Percentage of convictions in cases disposed of, 4.

Predominant crimes, Cruelty to Animals and Bastardy.

*By Local Act Solicitor for Tenth Judicial Circuit is required to assist in prosecutions in Jefferson County Criminal Court.

LAMAR COUNTY CIRCUIT COURT.

M. T. Ormond, Solicitor.

CHARACTER OF OFFENSE.	No. cases disposed of					No. sentences to				Fines paid or secured	Insane Asylum	Reform School
		Convictions	Acquittals	Nolle proseques	Abated or withdrawn	Death	Penitentiary	Hard Labor	Jail			
Abusive language	16	14		2						14		
Adultery and fornication....	2	1		1						1		
Arson, first degree.....	2			2								
Assault and battery.....	32	21	1	10						21		
Assault and battery with weapon	2	2								2		
Assault, intent to murder....	1				1							
Attempt to commit a felony....	1		1									
Burglary	1			1								
Concealed weapons.....	30	15	1	14						15		
Conspiracy	1		1									
Embezzlement	1			1								
False pretense	1	1								1		
Gaming	7		1	6								
Larceny, petit.....	5	5								5		
Malicious injury to animal....	1	1								1		
Manslaughter, first degree....	2	2					2					
Murder, second degree.....	2	2					2					
Perjury	1				1							
Presenting gun.....	2		1	1								
Public drunkenness.....	69	47		22						47		
Removing mortgaged prop- erty	3	2		1						2		
Trespass after warning.....	1	1								1		
Violating prohibition law.....	55	26	1	28				7	1	26		
Violating Sunday law.....	7	7								7		
Violating stock law.....	1		1									
Total	246	147	8	89	2	4	7	1	143			

Percentage of convictions in cases disposed of, 60.

Predominant crime, Public drunkenness.

CIRCUIT COURT OF LAUDERDALE COUNTY.

R. T. Simpson, Solicitor.

CHARACTER OF OFFENSE.	No. cases disposed of	Convictions	Acquittals	Nolle proseques	Abated or withdrawn	No. sentences to				Fines paid or secured	Insane Asylum	Reform School
						Death	Penitentiary	Hard Labor	Jail			
Abusive language	23	18	---	5	---	---	---	1	---	17	---	---
Adultery and fornication...	3	3	---	---	---	---	---	---	---	3	---	---
Arson, first degree	3	---	2	1	---	---	---	---	---	---	---	---
Assault and battery	8	8	---	---	---	---	---	2	---	8	---	---
Assault and battery with weapon	15	13	---	2	---	---	---	---	---	13	---	---
Assault, intent to murder...	8	6	2	---	---	---	6	---	---	---	---	---
Assault, intent to ravish...	1	---	---	1	---	---	---	---	---	---	---	---
Burglary	7	6	---	1	---	---	6	---	---	---	---	---
Concealed weapons	17	12	---	5	---	---	---	1	---	11	---	---
Defacing public buildings...	1	1	---	---	---	---	---	---	---	1	---	---
Defamation	2	2	---	---	---	---	---	---	---	2	---	---
Defaulting road hand	2	2	---	---	---	---	---	---	---	2	---	---
Disturbing religious worship	34	27	1	6	---	---	---	---	---	27	---	---
Disturbing public assembly...	3	2	1	---	---	---	---	---	---	2	---	---
Embezzlement	2	---	---	2	---	---	---	---	---	---	---	---
False pretense	2	1	---	1	---	---	---	---	---	1	---	---
Forgery, first degree	2	1	---	1	---	---	1	---	---	---	---	---
Gaming	4	3	---	1	---	---	---	---	---	3	---	---
Gaming in public place	1	1	---	---	---	---	---	---	---	1	---	---
Keeping gaming table	1	---	---	1	---	---	---	---	---	---	---	---
Larceny, grand	4	3	---	1	---	---	3	---	---	---	---	---
Larceny, petit	9	6	---	3	---	---	---	3	---	6	---	---
Malicious injury to property	10	5	---	5	---	---	---	1	---	4	---	---
Manslaughter, first degree...	1	1	---	---	---	---	1	---	---	---	---	---
Murder, first degree	3	1	1	1	---	---	1	---	---	---	---	---
Murder, second degree	2	1	1	---	---	---	1	---	---	---	---	---
Public drunkenness	51	45	---	6	---	---	---	---	---	45	---	---

CIRCUIT COURT OF LAUDERDALE COUNTY.—Continued.

CHARACTER OF OFFENSE.	No. cases disposed of	Convictions	Acquittals	Nolle proseques	Abated or withdrawn	No. sentences to				Fines paid or secured	Insane Asylum	Reform School
						Death	Penitentiary	Hard Labor	Jail			
Receiving stolen property--	1	1								1		
Reckless driving -----	1	1								1		
Robbery -----	1	1					1					
Selling mortgaged property--	1			1								
Shooting across public road	6	4		2						4		
Trespass after warning-----	3	1		2						1		
Unlawful injury to animal--	2	2								2		
Vagrancy -----	3			3								
Violating prohibition law--	77	53	1	23				10		58		
Violating revenue law-----	2			2								
Violating stock law-----	2	1		1						1		
Total -----	318	232	8	78			20	15		214		

Percentage of convictions in cases disposed of, 73.

Predominant crime, Violation Prohibition Law.

CIRCUIT COURT OF LAWRENCE COUNTY.

D. C. Almon, Solicitor.

CHARACTER OF OFFENSE.	No. cases disposed of	Convictions	Acquittals	Nolle proseques	Abated or withdrawn	No. sentences to				Fines paid or secured	Insane Asylum	Reform School
						Death	Penitentiary	Hard Labor	Jail			
Arson, second degree-----	2		2									
Assault and battery with weapon -----	8	8						2		6		
Assault, intent to murder--	4	1		3			1					
Assault, intent to ravish---	1	1					1					
Bastardy -----	1	1								1		
Burglary -----	9	7		2			7					
Concealed weapons-----	1	1						1				
Crime against nature-----	2	2					2					
Embezzlement -----	2			2								
False pretense -----	1			1								
Larceny, grand-----	3	3					3					
Manslaughter, first degree--	4	4					4					
Manslaughter, second degree	1	1						1				
Murder, first degree-----	2	1	1				1					
Murder, second degree-----	6	5	1				5					
Seduction -----	2	1		1			1					
Total -----	49	36	4	9			25	4		7		

Percentage of convictions in cases disposed of, 72.

Predominant crime, Burglary.

CIRCUIT COURT OF LIMESTONE COUNTY.

D. C. Almon, Solicitor.

CHARACTER OF OFFENSE.	No. cases disposed of	Convictions	Acquittals	Nolle proseques	Abated or withdrawn	No. sentences to				Fines paid or secured	Insane Asylum	Reform School
						Death	Penitentiary	Hard Labor	Jail			
Abusive language -----	7	3	---	4	---	---	---	---	---	3	---	---
Assault -----	1	1	---	---	---	---	---	---	---	1	---	---
Assault and battery -----	2	2	---	---	---	---	---	---	---	2	---	---
Assault and battery with weapon -----	16	12	---	4	---	---	---	3	---	9	---	---
Assault, intent to murder -----	4	3	---	1	---	---	3	---	---	---	---	---
Assault, intent to ravish -----	2	---	---	2	---	---	---	---	---	---	---	---
Bigamy -----	1	1	---	---	---	---	1	---	---	---	---	---
Burglary -----	4	4	---	---	---	---	3	1	---	---	---	---
Concealed weapons -----	9	7	---	2	---	---	---	4	---	3	---	---
Forgery, first degree -----	6	6	---	---	---	---	6	---	---	---	---	---
Forgery, second degree -----	2	1	---	1	---	---	---	1	---	---	---	---
Gaming -----	1	---	---	1	---	---	---	---	---	---	---	---
Larceny, grand -----	7	7	---	---	---	---	7	---	---	---	---	---
Larceny, petit -----	2	2	---	---	---	---	---	2	---	---	---	---
Manslaughter, first degree -----	4	4	---	---	---	---	4	---	---	---	---	---
Murder, first degree -----	1	1	---	---	---	---	1	---	---	---	---	---
Murder, second degree -----	6	6	---	---	---	---	6	---	---	---	---	---
Perjury -----	1	---	---	1	---	---	---	---	---	---	---	---
Public drunkenness -----	8	6	---	2	---	---	---	---	---	6	---	---
Rape -----	1	1	---	---	---	---	1	---	---	---	---	---
Robbery -----	2	2	---	---	---	---	2	---	---	---	---	---
Seduction -----	3	1	---	2	---	---	1	---	---	---	---	---
Violating prohibition law -----	24	13	2	9	---	---	---	1	---	12	---	---
Violating revenue law -----	1	1	---	---	---	---	---	---	---	1	---	---
Total -----	115	84	2	29	---	35	72	---	37	---	---	---

Percentage of convictions in cases disposed of, 75.

Predominant crime, Violation of Prohibition Law.

CIRCUIT COURT OF LOWNDES COUNTY.

C. R. Bricken, Solicitor.

Second Circuit.

CHARACTER OF OFFENSE.	No. cases disposed of	Convictions	Acquittals	Nolle proseques	Abated or withdrawn	No. sentences to				Fines paid or secured	Insane Asylum	Reform School
						Death	Penitentiary	Hard Labor	Jail			
Arson, second degree-----	3	2		1			2					
Assault and battery with weapon-----	19	19						9		10		
Assault, intent to murder--	7	6		1			3	3				
Attempt to commit a felony	1	1						1				
Bastardy-----	1	1						1				
Burglary-----	3	3					1	2				
Concealed weapons-----	11	6	2	3				2		4		
Cruelty to animals-----	1	1						1				
Gaming-----	5	5								5		
Larceny, grand-----	12	10		2			8	2				
Larceny, petit-----	8	8						5		3		
Manslaughter, first degree--	4	4					4					
Murder, first degree-----	7	6		1		1	5					
Murder, second degree-----	9	8		1			8					
Pistol in possession off prem- ises-----	2	2						1		1		
Robbery-----	1	1					1					
Shooting across public road--	3	3								3		
Trespass after warning-----	1	1						1				
Violating court contract-----	1	1								1		
Violating prohibition law--	21	18	1	2				9		9		
Violating Sunday law-----	2	2								2		
Violating sunrise and sunset law-----	1	1								1		
Total-----	126	111	3	12		1	34	37		39		

Percentage of convictions in cases disposed of, 89.

Predominant crime, Violation of Prohibition Law.

CIRCUIT COURT OF MACON COUNTY.

W. B. Bowling, Solicitor.

CHARACTER OF OFFENSE.	No. cases disposed of	Convictions	Acquittals	Nolle proseques	Abated or withdrawn	No. sentences to				Fines paid or secured	Insane Asylum	Reform School
						Death	Penitentiary	Hard Labor	Jail			
Arson, first degree-----	1	1					1					
Assault -----	1	1								1		
Assault and battery with weapon -----	10	10								10		
Assault, intent to murder--	10	6	3	1			6					
Burglary -----	8	7		1			7					
Embezzlement -----	6	6					6					
Forgery, second degree-----	5	4	1				4					
Forgery, third degree-----	1	1						1				
Larceny, grand-----	22	17	1	4			17					
Larceny, petit -----	2	2						2				
Manslaughter, first degree--	4	3	1				3					
Manslaughter, second degree	1	1						1				
Miscegenation -----	1	1					1					
Perjury -----	2	2					2					
Seduction -----	1	1					1					
Selling mortgaged property--	5	2	1	2			2					
Violating prohibition law----	51	38	4	8	1			26		12		
Total -----	131	103	11	16	1		50	30		23		

Percentage of convictions in cases disposed of, 79.

Predominant crime, Violating Prohibition Law.

MARENGO COUNTY CIRCUIT COURT.

John McDuffie, Solicitor.

CHARACTER OF OFFENSE.	No. cases disposed of	No. sentences to							Fines paid or secured	Insane Asylum	Reform School
		Convictions	Acquittals	Nolle prosequies	Abated or withdrawn	Death	Penitentiary	Hard Labor			
Abusive language-----	13	6	1	3	3				6		
Arson, second degree-----	3	1		2			1				
Assault and battery-----	4	2	1	1					2		
Assault and battery with weapon-----	12	11		1					11		
Burglary-----	2		2								
Burglary and grand larceny	5	2	1	2			2				
Concealed weapons-----	8	2		6					2		
Changing hog mark-----	1		1								
Defaulting road hand-----	1			1							
Disturbing religious worship	1	1							1		
Embezzlement-----	1			1							
False pretense-----	1			1							
Forgery, first degree-----	1	1					1				
Gaming-----	33	10	2	21					10		
Larceny, grand-----	3	1		2			1				
Larceny, petit-----	16	11	2	3					11		
Murder, first degree-----	6	5		1			5				
Murder, second degree-----	1	1					1				
Perjury-----	1				1						
Public drunkenness-----	2	1	1						1		
Receiving stolen property--	5	3	1	1				1	2		
Removing mortgaged prop- erty-----	3			3							
Refusing to pay dog tax----	1			1							
Selling mortgaged property--	1		1								
Temporary use of property--	1			1							

MARENGO COUNTY CIRCUIT COURT.—*Continued.*

CHARACTER OF OFFENSE.	No. cases disposed of	Convictions	Acquittals	Nolle proseques	Abated or withdrawn	No. sentences to				Fines paid or secured	Insane Asylum	Reform School
						Death	Penitentiary	Hard Labor	Jail			
Trespass after warning----	2	---	1	1	---	---	---	---	---	---	---	---
Unlawful injury to animal	3	---	1	1	1	---	---	---	---	---	---	---
Unlawfully killing hog-----	1	---	---	1	---	---	---	---	---	---	---	---
Violating convict contract--	1	---	1	---	---	---	---	---	---	---	---	---
Violating prohibition law----	16	4	2	10	---	---	---	---	---	4	---	---
Violating Sunday law-----	5	2	---	3	---	---	---	---	---	2	---	---
Violating stock law-----	1	---	1	---	---	---	---	---	---	---	---	---
Total -----	155	64	19	67	5	---	11	1	---	52	---	---

Percentage of convictions in cases disposed of, 41.

Predominant crime, gaming.

MARION COUNTY CIRCUIT COURT.

R. T. Simpson, Solicitor.

CHARACTER OF OFFENSE.	No. cases disposed of	Convictions	Acquittals	Nolle prosequies	Abated or withdrawn	No. sentences to				Fines paid or secured	Insane Asylum	Reform School
						Death	Penitentiary	Hard Labor	Jail			
Abusive language	34	21	---	11	2	---	---	---	---	21	---	---
Adultery and fornication...	2	1	---	1	---	---	---	---	---	1	---	---
Assault	2	1	---	1	---	---	---	---	---	1	---	---
Assault and battery	12	8	---	4	---	---	---	---	---	8	---	---
Assault and battery with weapon	26	16	---	10	---	---	---	---	---	16	---	---
Assault, intent to murder...	3	---	---	3	---	---	---	---	---	---	---	---
Bribery	1	---	---	1	---	---	---	---	---	---	---	---
Burglary	4	---	---	4	---	---	---	---	---	---	---	---
Concealed weapons	25	11	---	14	---	---	---	1	---	11	---	---
Defacing public buildings...	3	3	---	---	---	---	---	---	---	3	---	---
Defaulting road hand	1	---	---	1	---	---	---	---	---	---	---	---
Disturbing religious worship	11	4	1	6	---	---	---	---	---	4	---	---
False pretense	1	---	---	1	---	---	---	---	---	---	---	---
Forgery, first degree	2	1	---	1	---	---	1	---	---	---	---	---
Larceny, grand	2	1	---	1	---	---	1	---	---	---	---	---
Larceny, petit	4	2	---	2	---	---	---	---	2	2	---	---
Murder, first degree	1	1	---	---	---	---	1	---	---	---	---	---
Murder, second degree	1	1	---	---	---	---	1	---	---	---	---	---
Perjury	2	---	---	2	---	---	---	---	---	---	---	---
Public drunkenness	39	30	1	8	---	---	---	---	---	30	---	---
Seduction	2	---	---	2	---	---	---	---	---	---	---	---
Shooting across public road	1	1	---	---	---	---	---	---	---	1	---	---
Trading mortgaged property	2	---	---	2	---	---	---	---	---	---	---	---
Trespass after warning	2	---	---	2	---	---	---	---	---	---	---	---
Violating prohibition law...	97	50	3	44	---	---	---	5	---	45	---	---
Violating revenue law	1	---	1	---	---	---	---	---	---	---	---	---
Violating stock law	1	---	---	1	---	---	---	---	---	---	---	---
Total	283	152	6	123	2	3	7	2	143	---	---	---

Percentage of convictions in cases disposed of, 54.

Predominant crime, Violation of Prohibition Law.

CIRCUIT COURT OF MARSHALL COUNTY.

C. C. Appleton, Solicitor.

CHARACTER OF OFFENSE.	No. cases disposed of					No. sentences to				Fines paid or secured	Insane Asylum	Reform School
		Convictions	Acquittals	Nolle proseques	Abated or withdrawn	Death	Penitentiary	Hard Labor	Jail			
Abusive language-----	32	9	4	19	---	---	---	---	---	9	---	---
Adultery and fornication---	3	1	---	2	---	---	---	---	---	1	---	---
Assault -----	14	6	1	6	1	---	---	---	---	6	---	---
Assault and battery-----	2	1	---	1	---	---	---	---	---	1	---	---
Assault and battery-----	2	1	---	1	---	---	---	---	---	1	---	---
Assault and battery with weapon -----	8	5	1	2	---	---	---	---	---	5	---	---
Assault, intent to murder---	4	1	---	3	---	---	1	---	---	---	---	---
Assault, intent to ravish---	1	---	---	1	---	---	---	---	---	---	---	---
Attempt at arson-----	2	---	---	2	---	---	---	---	---	---	---	---
Attempt to commit a felony-	1	---	---	1	---	---	---	---	---	---	---	---
Betting at cards-----	2	1	1	---	---	---	---	---	---	1	---	---
Bastardy -----	4	---	2	2	---	---	---	---	---	---	---	---
Bigamy -----	1	1	---	---	---	---	1	---	---	---	---	---
Burglary -----	2	---	---	2	---	---	---	---	---	2	---	---
Carnal knowledge, girl un- der 12 -----	1	---	1	---	---	---	---	---	---	---	---	---
Concealed weapons-----	25	6	9	9	1	---	---	---	---	6	---	---
Defamation -----	1	1	---	---	---	---	---	---	---	1	---	---
Defaulting road hand-----	7	4	2	1	---	---	---	---	---	4	---	---
Disturbing religious worship	12	4	2	6	---	---	---	---	---	4	---	---
Disturbing females-----	3	1	---	2	---	---	---	---	---	1	---	---
Disturbing public assembly-	1	---	---	1	---	---	---	---	---	---	---	---
Embezzlement -----	2	---	---	2	---	---	---	---	---	---	---	---
False pretense -----	3	---	3	---	---	---	---	---	---	---	---	---
Forgery, first degree-----	3	---	---	1	2	---	---	---	---	---	---	---
Gaming in public place-----	3	2	1	---	---	---	---	---	---	2	---	---
Giving liquor to minor-----	2	1	---	1	---	---	---	---	---	1	---	---

CIRCUIT COURT OF MARSHALL COUNTY.—*Continued.*

CHARACTER OF OFFENSE.	No. cases disposed of	Convictions	Acquittals	Nolle proseques	Abated or withdrawn	No. sentences to				Fines paid or secured	Insane Asylum	Reform School
						Death	Penitentiary	Hard Labor	Jail			
Incest	1	---	1	---	---	---	---	---	---	---	---	---
Killing dogs	1	1	---	---	---	---	---	---	---	1	---	---
Kidnapping	1	---	---	1	---	---	---	---	---	---	---	---
Larceny, grand	10	2	4	3	1	---	2	---	---	---	---	---
Larceny, petit	7	3	2	2	---	---	---	1	1	2	---	---
Malicious injury to animal	1	1	---	---	---	---	---	---	---	1	---	---
Manslaughter, first degree	7	3	---	4	---	---	3	---	---	---	---	---
Murder, first degree	2	1	---	1	---	---	1	---	---	---	---	---
Murder, second degree	2	---	2	---	---	---	---	---	---	---	---	---
Obstructing public road	1	---	---	1	---	---	---	---	---	---	---	---
Overseer, neglect of duty	4	---	---	4	---	---	---	---	---	---	---	---
Perjury	1	---	1	---	---	---	---	---	---	---	---	---
Practicing dentistry without a license	1	---	1	---	---	---	---	---	---	---	---	---
Presenting gun	1	1	---	---	---	---	---	---	---	1	---	---
Public drunkenness	38	13	6	18	1	---	---	---	---	13	---	---
Resisting officer	1	---	---	1	---	---	---	---	---	---	---	---
Seduction	4	2	1	1	---	---	2	---	---	---	---	---
Shooting into dwelling	1	1	---	---	---	---	---	---	---	1	---	---
Selling mortgaged property	2	---	1	1	---	---	---	---	---	---	---	---
Shooting across public road	3	1	---	2	---	---	---	---	---	1	---	---
Shooting on Sunday	1	---	---	1	---	---	---	---	---	---	---	---
Vagrancy	1	---	---	1	---	---	---	---	---	---	---	---
Violating game and fish law	4	---	3	1	---	---	---	---	---	---	---	---
Violating prohibition law	72	20	11	41	---	---	---	---	---	20	---	---
Violating revenue law	1	---	---	1	---	---	---	---	---	---	---	---
Violating Sunday law	3	1	---	2	---	---	---	---	---	1	---	---
Total	310	94	60	150	6	10	1	1	83	---	---	---

Percentage of convictions in cases disposed of, 30.

Predominant crime, Violation of Prohibition Law.

CIRCUIT COURT OF MONROE COUNTY.

John McDuffie, Solicitor.

CHARACTER OF OFFENSE.	No. cases disposed of	Convictions	Acquittals	Nolle proseques	Abated or withdrawn	No. sentences to				Fines paid or secured	Insane Asylum	Reform School
						Death	Penitentiary	Hard Labor	Jail			
Assault and battery-----	1	1								1		
Assault and battery with weapon-----	2	2								2		
Assault, intent to murder-----	2	2						2				
Assault, intent to ravish-----	1	1					1					
Bastardy-----	2	2								2		
Burglary and grand larceny-----	3	3						3				
Larceny, grand-----	1		1									
Larceny, petit-----	1	1								1		
Manslaughter, first degree-----	3	3					3					
Murder, first degree-----	2	2					2					
Murder, second degree-----	2	1	1				1					
Robbery-----	2			2								
Total-----	22	18	2	2		7	5			6		

Percentage of convictions in cases disposed of, 82.

Predominant crime, manslaughter.

CIRCUIT COURT OF MORGAN COUNTY.

D. C. Almon, Solicitor.

CHARACTER OF OFFENSE.	No. cases disposed of	Convictions	Acquittals	Nolle proseques	Abated or withdrawn	No. sentences to				Fines paid or secured	Insane Asylum	Reform School
						Death	Penitentiary	Hard Labor	Jail			
Larceny, grand-----	1		1									
Manslaughter, first degree-----	2	2					2					
Total-----	3	2	1				2					

Percentage of convictions in cases disposed of, 67.

Predominant Crime, Manslaughter, First Degree.

CIRCUIT COURT OF PERRY COUNTY.

J. F. Thompson, Solicitor.

CHARACTER OF OFFENSE.	No. cases disposed of	Convictions	Acquittals	Nolle proseques	Abated or withdrawn	No. sentences to				Fines paid or secured	Insane Asylum	Reform School
						Death	Penitentiary	Hard Labor	Jail			
Abusive language	5	5						1		4		
Arson, third degree	1	1						1				
Assault and battery	4	4								4		
Assault and battery with weapon	22	20		2				6		14		
Burglary	10	8		2				8				
Concealed weapons	46	37	2	7				7		30		
Concealing felon	2	2						1		1		
Defaulting road hand	2	2								2		
Disturbing religious worship	5			5								
Forgery, second degree	3	3					3					
Forgery, third degree	1	1						1				
Larceny, grand	9	8	1					8				
Larceny, petit	30	27		3				11		16		
Manslaughter, first degree	5	5					3	2				
Manslaughter, second degree	2	2						2				
Murder, first degree	6	6					6					
Murder, second degree	1	1					1					
Public drunkenness	1	1								1		
Selling diseased meat	1	1						1				
Shooting into dwelling	1	1						1				
Selling pistol to minor	1	1								1		
Selling mortgaged property	2	2						1		1		
Vagrancy	1			1								
Violating game and fish law	1	1								1		
Violating prohibition law	54	43	4	7				12		31		
Violating sunrise and sunset law	1			1								
Total	216	181	7	28			13	62	1	105		

Predominant crime, Violation of Prohibition Law.

Percentage of convictions in cases disposed of, 83.

Marvin T. Ormond, Solicitor.

CHARACTER OF OFFENSE.	No. cases disposed of	Convictions	Acquittals	Nolle proseques	Abated or withdrawn	No. sentences to				Fines paid or secured	Insane Asylum	Reform School
						Death	Penitentiary	Hard Labor	Jail			
Abusive language.....	8	8	--	--	--	--	--	--	--	8	--	--
Adultery and fornication....	2	2	--	--	--	--	--	--	--	2	--	--
Arson, second degree.....	1	--	--	1	--	--	--	--	--	--	--	--
Assault and battery.....	32	29	--	3	--	--	--	1	--	29	--	--
Assault and battery with weapon	2	1	--	1	--	--	--	--	--	1	--	--
Assault, intent to murder....	5	4	--	1	--	--	4	--	--	--	--	--
Attempt at burglary.....	1	1	--	--	--	--	--	--	--	1	--	--
Attempt at forgery.....	1	1	--	--	--	--	--	--	--	1	--	--
Burglary.....	4	2	--	2	--	--	2	--	--	--	--	--
Carnal knowledge, girl over 12	1	1	--	--	--	--	--	--	--	1	--	--
Concealed weapons	27	24	1	2	--	--	--	1	--	24	--	--
Cruelty to animals.....	1	--	--	1	--	--	--	--	--	--	--	--
Defaulting road hand.....	7	3	--	4	--	--	--	--	--	3	--	--
Disturbing religious worship..	1	1	--	--	--	--	--	--	--	1	--	--
Embezzlement	1	--	--	--	1	--	--	--	--	--	--	--
False pretense.....	2	2	--	--	--	--	2	--	--	--	--	--
Gaming	11	--	--	8	3	--	--	--	--	--	--	--
Gaming on Sunday.....	10	10	--	--	--	--	--	--	--	10	--	--
Larceny, grand.....	1	1	--	--	--	--	--	1	--	--	--	--
Larceny, petit.....	2	2	--	--	--	--	--	1	--	1	--	--
Murder, first degree.....	4	2	1	--	1	1	1	--	--	--	--	--
Murder, second degree.....	8	5	1	2	--	--	5	--	--	--	--	--
Overseer, neglect of duty....	7	2	--	5	--	--	--	--	--	2	--	--
Pistol in possession off premises	1	1	--	--	--	--	--	--	--	1	--	--

CIRCUIT COURT OF PICKENS COUNTY.—*Continued.*

CHARACTER OF OFFENSE.	No. cases disposed of	No. sentences to							Fines paid or secured	Insane Asylum	Reform School
		Convictions	Acquittals	Nolle proseques	Abated or withdrawn	Death	Penitentiary	Hard Labor			
Presenting gun-----	1	1							1		
Public drunkenness-----	49	40		9					40		
Receiving stolen property---	2	2							2		
Removing mortgaged prop- erty -----	9	9						2	7		
Resisting officer-----	1	1							1		
Temporary use of property--	1			1							
Trespass after warning----	1			1							
Unlawfully killing hog-----	1				1						
Violating court contract-----	1	1							1		
Violating prohibition law----	68	45	2	21				15	3	45	
Violating Sunday law-----	12	12							12		
Violating pure food and drug law -----	2	2							2		
Total -----	288	215	5	62	6	1	14	21	3	196	

Percentage of convictions in cases disposed of, 75.

Predominant crime, Violation of Prohibition Law.

*CIRCUIT COURT OF PIKE COUNTY.

**R. H. Parks, Solicitor.

CHARACTER OF OFFENSE.	No. cases disposed of					No. sentences to				Fines paid or secured	Insane Asylum	Reform School
		Convictions	Acquittals	Nolle proseques	Abated or withdrawn	Death	Penitentiary	Hard Labor	Jail			
Assault and battery-----	18	18						2		16		
Assault, intent to murder----	7	3	2	2			1	2				
Attempt to bribe-----	1			1								
Bastardy -----	2			1	1							
Burglary -----	6	5	1				1	4				
Embezzlement -----	2	1		1			1					
False pretense -----	1	1					1					
Forgery, third degree-----	2	1			1			1				
Larceny, grand-----	3	2		1			1	1				
Manslaughter, first degree----	1	1					1					
Murder, first degree-----	4	2	1	1			2					
Murder, second degree-----	2	2				2						
Rape -----	1			1								
Seduction -----	1			1								
Total -----	51	36	4	9	2		10	10		16		

Percentage of convictions in cases disposed of, 70.

Predominant crime, Assault and Battery.

*Incomplete.

**Deceased.

CIRCUIT COURT OF RANDOLPH COUNTY.

W. B. Bowling, Solicitor.

CHARACTER OF OFFENSE.	No. cases disposed of	Convictions.	Acquittals	Nolle proseques	Abated or withdrawn	No. sentences to				Fines paid or secured	Insane Asylum	Reform School
						Death	Penitentiary	Hard Labor	Jail			
Abusive language.....	13	9	1	3						9		
Assault	2	2								2		
Assault and battery.....	15	10	1	4						10		
Assault and battery with weapon	12	10		2						10		
Assault, intent to murder...	2			2								
Bigamy	1		1									
Burglary	3	3					3					
Concealed weapons.....	27	16	4	7						16		
Cruelty to animals.....	1	1								1		
Defaulting road hand.....	1		1									
Disturbing religious worship	7	3	2	1	1					3		
Embezzlement	1		1									
Escape	3	3								3		
Forgery, second degree.....	1		1									
Larceny, petit.....	5	4		1					4	4		
Manslaughter, first degree...	3	3					3					
Murder, first degree.....	2		1	1								
Murder, second degree.....	6	3	1	2			3					
Perjury	1		1									
Public drunkenness.....	14	12	1	1						12		
Rape	1	1				1						
Resisting officer.....	1			1								
Selling mortgaged property...	4	2		2						2		
Shooting across public road...	1			1								
Violating court contract.....	1	1								1		
Violating prohibition law...	56	27	8	21				20	4	27		
Total	184	110	24	48	2	1	6	20	4	96		

Percentage of convictions in cases disposed of, 59.

Predominant crime, Violating Prohibition Law.

CIRCUIT COURT OF RUSSELL COUNTY.

H. B. Steagall, Solicitor.

CHARACTER OF OFFENSE.	No. cases disposed of	Convictions	Acquittals	Nolle proseques	Abated or withdrawn	No. sentences to				Fines paid or secured	Insane Asylum	Reform School
						Death	Penitentiary	Hard Labor	Jail			
Abusive language	11	2	4	5						2		
Adultery and fornication	1			1								
Arson, second degree	2		1	1								
Assault	1	1						1		1		
Assault and battery	26	19	4	3				9		10		
Assault, intent to murder	26	10	8	8			3	4		3		
Bastardy	1	1						1				
Bigamy	1			1								
Burglary	9	5	1	3			3	2				
Carnal knowledge, girl under 12	1		1									
Concealed weapons	20	9	6	5				7		2		
Cruelty to animals	2	2						1		1		
Disturbing religious worship	2	2								2		
Disposing of mortgaged property	3			3								
False pretense	1			1								
Gaming	3			3								
Larceny, grand	10	9		1			5	4				
Larceny, petit	5	1	1	3				1		1		
Manslaughter, first degree	3	3					3					
Murder, first degree	8		2	4	2							
Murder, second degree	4	4					4					
Operating slot machine	1	1								1		
Presenting gun	1	1						1				
Public drunkenness	4	3		1						3		
Rape	1		1									
Resisting officer	1			1								
Selling mortgaged property	1			1								
Shooting across public road	1			1								
Throwing missile at train	1	1						1				
Trespass after warning	1	1						1				
Vagrancy	1	1								1		
Violating court contract	3			3								

CIRCUIT COURT OF RUSSELL COUNTY.—*Continued.*

CHARACTER OF OFFENSE.	No. cases disposed of	Convictions	Acquittals	Nolle proseques	Abated or withdrawn	No. sentences to				Fines paid or secured	Insane Asylum	Reform School
						Death	Penitentiary	Hard Labor	Jail			
Violating prohibition law	34	7	5	22				6		1		
Violating Sunday law	1	1								1		
Total	191	84	34	71	2	18	38		29			

Percentage of convictions in cases disposed of, 44.

Predominant crime, Violation of Prohibition Law.

SHELBY COUNTY CIRCUIT COURT.

Chas. E. Cornelius, Solicitor.

CHARACTER OF OFFENSE.	No. cases disposed of	Convictions	Acquittals	Nolle proseques	Abated or withdrawn	No. sentences to				Fines paid or secured	Insane Asylum	Reform School
						Death	Penitentiary	Hard Labor	Jail			
Assault and battery with weapon	6	4	1	1						4		
Assault, intent to murder	4	3		1			3					
Burglary and grand larceny	6	4	2				4					
Concealed weapons	2	1	1							1		
Contempt	6	5	1						5	5		
Embezzlement	1		1									
Larceny, grand	1	1					1					
Larceny, petit	2		2									
Manslaughter, first degree	2	2					2					
Murder, first degree	2		1	1								
Murder, second degree	1	1					1					
Perjury	1		1									
Seduction	1		1									
Violating prohibition law	4	2	1	1				2				
Total	39	23	11	5		11	2	5	10			

Percentage of convictions in cases disposed of, 60.

Predominant crime, Assault and Battery with Weapon.

James A. Embry, Solicitor.

[illegible]

CIRCUIT COURT OF RUSSELL COUNTY.

H. B. Steagall, Solicitor.

CHARACTER OF OFFENSE.	No. cases disposed of	Convictions	Acquittals	Nolle proseques	Abated or withdrawn	No. sentences to				Fines paid or secured	Insane Asylum	Reform School
						Death	Penitentiary	Hard Labor	Jail			
Abusive language	11	2	4	5						2		
Adultery and fornication	1			1								
Arson, second degree	2		1	1								
Assault	1	1						1		1		
Assault and battery	26	19	4	3				9		10		
Assault, intent to murder	26	10	8	8			3	4		3		
Bastardy	1	1						1				
Bigamy	1			1								
Burglary	9	5	1	3			3	2				
Carnal knowledge, girl under 12	1		1									
Concealed weapons	20	9	6	5				7		2		
Cruelty to animals	2	2						1		1		
Disturbing religious worship	2	2								2		
Disposing of mortgaged property	3			3								
False pretense	1			1								
Gaming	3			3								
Larceny, grand	10	9		1			5	4				
Larceny, petit	5	1	1	3				1		1		
Manslaughter, first degree	3	3					3					
Murder, first degree	8		2	4	2							
Murder, second degree	4	4					4					
Operating slot machine	1	1								1		
Presenting gun	1	1						1				
Public drunkenness	4	3		1						3		
Rape	1		1									
Resisting officer	1			1								
Selling mortgaged property	1			1								
Shooting across public road	1			1								
Throwing missile at train	1	1						1				
Trespass after warning	1	1						1				
Vagrancy	1	1								1		
Violating court contract	3			3								

CIRCUIT COURT OF SUMTER COUNTY.—*Continued.*

CHARACTER OF OFFENSE.	No. cases disposed of					No. sentences to				Fines paid or secured	Insane Asylum	Reform School
		Convictions	Acquittals	Nolle proseques	Abated or withdrawn	Death	Penitentiary	Hard Labor	Jail			
False pretense	5	4	1	—	—	—	—	2	—	2	—	—
Forgery, second degree	2	2	—	—	—	—	1	1	—	—	—	—
Larceny, grand	20	15	1	4	—	—	—	15	—	—	—	—
Larceny, petit	13	12	—	1	—	—	—	2	1	11	—	—
Manslaughter	3	3	—	—	—	3	—	—	—	—	—	—
Murder, second degree	6	4	1	1	—	—	4	—	—	—	—	—
Presenting gun	1	1	—	—	—	—	—	—	—	1	—	—
Public drunkenness	1	1	—	—	—	—	—	—	—	1	—	—
Receiving stolen property	3	2	—	1	—	—	—	—	—	2	—	—
Reckless driving	1	1	—	—	—	—	—	—	—	1	—	—
Robbery	1	—	—	1	—	—	—	—	—	—	—	—
Shooting into passenger train	1	1	—	—	—	1	—	—	—	—	—	—
Violating prohibition law	13	3	—	7	3	—	—	1	—	3	—	—
Violating stock law	32	7	3	21	1	—	—	—	—	7	—	—
Total	165	107	8	44	6	20	41	1	51	—	—	—

Percentage of convictions in cases disposed of, 65.

Predominant crime, Violation of Stock Law.

CIRCUIT COURT OF TALLAPOOSA COUNTY.

W. B. Bowling, Solicitor.

CHARACTER OF OFFENSE.	No. cases disposed of					No. sentences to				Fines paid or secured	Insane Asylum	Reform School
		Convictions	Acquittals	Nolle proseques	Abated or withdrawn	Death	Penitentiary	Hard Labor	Jail			
Abusive language	13	6	—	7	—	—	—	—	—	6	—	—
Affray	1	1	—	—	—	—	—	—	—	1	—	—
Aiding escape	1	—	—	1	—	—	—	—	—	—	—	—
Allowing stock to run at large	5	2	—	3	—	—	—	—	—	2	—	—
Assault and battery	9	7	—	2	—	—	—	—	—	7	—	—

CIRCUIT COURT OF TALLAPOOSA COUNTY.—Continued.

CHARACTER OF OFFENSE.	No. cases disposed of	Convictions	Acquittals	Nolle proseques	Abated or withdrawn	No. sentences to				Fines paid or secured	Insane Asylum	Reform School
						Death	Penitentiary	Hard Labor	Jail			
Vagrancy -----	6	4	---	2	---	---	---	1	---	4	---	---
Violating court contract----	4	3	---	1	---	---	---	---	---	3	---	---
Violating game and fish law	4	4	---	---	---	---	---	---	---	4	---	---
Violating prohibition law----	62	33	8	21	---	---	---	25	---	33	---	---
Violating Sunday law-----	20	13	3	4	---	---	---	---	---	13	---	---
Violating stock law-----	5	3	1	1	---	---	---	---	---	3	---	---
Total -----	300	180	30	87	3	1	32	26	---	63	---	---

Percentage of convictions in cases disposed of, 60.

Predominant crime, Violating Prohibition Law.

TUSCALOOSA COUNTY CIRCUIT COURT.

M. T. Ormond, Solicitor.

CHARACTER OF OFFENSE.	No. cases disposed of	Convictions	Acquittals	Nolle proseques	Abated or withdrawn	No. sentences to				Fines paid or secured	Insane Asylum	Reform School
						Death	Penitentiary	Hard Labor	Jail			
Abusive letter-----	1	1	---	---	---	---	---	---	---	1	---	---
Abusive language-----	2	2	---	---	---	---	---	---	---	2	---	---
Arson, first degree-----	1	---	---	1	---	---	---	---	---	---	---	---
Assault and battery-----	16	15	---	---	1	---	---	---	---	15	---	---
Assault and battery with weapon -----	1	1	---	---	---	---	---	---	---	1	---	---
Assault, intent to murder----	1	---	---	1	---	---	---	---	---	---	---	---
Assault, intent to ravish----	1	1	---	---	---	---	1	---	---	---	---	---
Attempt to commit a felony	1	1	---	---	---	---	---	---	1	---	---	---
Burglary -----	1	---	---	---	1	---	---	---	---	---	---	---
Concealed weapons-----	10	7	1	2	---	---	---	---	---	7	---	---

TUSCALOOSA COUNTY CIRCUIT COURT.—*Continued.*

CHARACTER OF OFFENSE.	No. cases disposed of	Convictions	Acquittals	Nolle proseques	Abated or withdrawn	No. sentences to				Fines paid or secured	Insane Asylum	Reform School
						Death	Penitentiary	Hard Labor	Jail			
Disposing of mortgaged property	1	1								1		
Embezzlement	1			1								
False pretense	6	3		3						3		
Forgery, third degree	1	1						1				
Fraudulent conveyance	2	2								2		
Gaming	7		1	5	1							
Injuring telegraph wires	2			2								
Larceny, grand	2	1	1					1				
Larceny, petit	4	4								4		
Malicious mischief	1	1								1		
Murder, first degree	4	2	2				2					
Murder, second degree	1	1					1					
Public drunkenness	9	8		1						8		
Putting out poison	1				1							
Receiving stolen property	1	1								1		
Removing mortgaged property	2	2								2		
Robbery	5	1		4			1					
Trespass after warning	1			1								
Vagrancy	4	1		3						1		
Violating election law	1			1								
Violating game and fish law	3	3								3		
Violating prohibition law	67	20	1	45	1			11	2	16		
Violating Sunday law	2	2								2		
Total	163	82	6	71	4		5	13	3	70		

Percentage of convictions in cases disposed of, 50.

Predominant crime, Violating Prohibition Law.

WALKER COUNTY CIRCUIT COURT.

W. B. Bankhead, Solicitor.

CHARACTER OF OFFENSE.	No. cases disposed of	Convictions	Acquittals	Nolle proseques	Abated or withdrawn	No. sentences to				Fines paid or secured	Insane Asylum	Reform School
						Death	Penitentiary	Hard Labor	Jail			
Abusive language	11	2	1	7	1					2		
Adultery and fornication....	2			2								
Assault and battery	10	4		3	3					4		
Assault and battery with weapon	5	5								5		
Assault, intent to murder....	3	1		2			1					
Betting at cards	1			1								
Burglary	1			1								
Concealed weapons	11	2	5	1	3			1		2		
Defaulting road hand	1		1									
Disturbing religious worship	3	1		2						1		
False pretense	2		1		1							
Forgery, first degree	1			1								
Gaming	1		1									
Gaming on Sunday	2		2									
Larceny, grand	4	3		1			3					
Manslaughter, first degree...	2	2					2					
Murder, second degree	2	1		1			1					
Perjury	1			1								
Public drunkenness	4	3		1						3		
Seduction	1	1					1					
Shooting across public road..	1		1									
Sodomy	1			1								
Violating game and fish law	1	1								1		
Violating prohibition law....	86	12	12	25	37			1	1	10		
Total	157	38	24	50	45		8	2	1	28		

Percentage of convictions in cases disposed of, 24.

Predominant crime, Violation of Prohibition Law.

WASHINGTON COUNTY CIRCUIT COURT.

John McDuffie, Solicitor.

CHARACTER OF OFFENSE.	No. cases disposed of	Convictions	Acquittals	Nolle proseques	Abated or withdrawn	No. sentences to				Fines paid or secured	Insane Asylum	Reform School
						Death	Penitentiary	Hard Labor	Jail			
Abusive language-----	3		3									
Assault and battery with weapon -----	13	8	3	2				1		8		
Assault, intent to murder---	3	2	1				1	1				
Burglary -----	9	7	1		1		1	6				
Concealed weapons-----	3		2		1							
False pretense -----	2		2									
Gaming -----	2		2									
Keeping sheep-killing dog---	1		1									
Larceny, grand-----	5	4		1			1	3				
Larceny, petit-----	3	3						1		2		
Manslaughter, second degree	2	2						2				
Murder, first degree-----	4	1	1	1	1		1					
Violating prohibition law---	3	2		1						2		
Total -----	53	29	16	5	3		4	14		12		

Percentage of convictions in cases disposed of, 55.

Predominant crime, Assault and Battery with Weapon.

WINSTON COUNTY CIRCUIT COURT.

Wm. B. Bankhead, Solicitor.

CHARACTER OF OFFENSE.	No. cases disposed of	Convictions	Acquittals	Nolle proseques	Abated or withdrawn	No. sentences to				Fines paid or secured	Insane Asylum	Reform School
						Death	Penitentiary	Hard Labor	Jail			
Abusive language.....	31	22	1	8				1		21		
Adultery and fornication....	4			4								
Arson, first degree.....	1		1									
Assault and battery.....	19	11	1	7				1		10		
Assault, intent to murder....	1		1									
Burglary.....	1		1									
Concealed weapons.....	16	10	1	5				1		9		
Cruelty to animals.....	1			1								
Defacing public buildings....	1			1								
Defamation.....	5	2		3						2		
Defaulting road hand.....	3	1	1	1						1		
Disturbing religious worship..	5		1	4								
Disturbing school.....	1	1								1		
Escape.....	3			3								
False pretense.....	7	2	1	4						2		
Injuring property.....	2	1		1						1		
Larceny, grand.....	2		1	1								
Larceny, petit.....	7	6		1						6		
Manslaughter, first degree....	2	2					2					
Obstructing public road.....	1		1									
Presenting gun.....	1			1								
Public drunkenness.....	30	15	1	14				1		14		
Selling mortgaged property....	4	1		3						1		
Shooting on Sunday.....	1	1								1		
Trespass after warning.....	4		2	2								
Vagrancy.....	1			1								
Violating game and fish law....	1				1							
Violating prohibition law....	27	15	5	7						15		
Total.....	182	90	19	73			2	4		84		

Percentage of convictions in cases disposed of, 50.

Predominant crime, Public Drunkenness.

CIRCUIT COURT OF WILCOX.

J. F. Thompson, Solicitor.

CHARACTER OF OFFENSE.	No. cases disposed of	Convictions	Acquittals	Nolle prosequies	Abated or withdrawn	No. sentences to				Fines paid or secured	Insane Asylum	Reform School
						Death	Penitentiary	Hard Labor	Jail			
Arson, first degree.....	1	1	---	---	---	---	1	---	---	---	---	---
Arson, second degree.....	3	2	---	1	---	---	2	---	---	---	---	---
Assault and battery with weapon	18	18	---	---	---	---	---	1	---	17	---	---
Assault, intent to murder..	4	2	---	2	---	---	1	1	---	---	---	---
Assault, intent to ravish...	1	1	---	---	---	---	1	---	---	---	---	---
Burglary	21	15	2	4	---	---	5	10	---	---	---	---
Forgery, second degree.....	2	1	---	1	---	---	---	1	---	---	---	---
Forgery, third degree.....	3	3	---	---	---	---	---	3	---	---	---	---
Larceny, grand.....	14	10	---	4	---	---	7	3	---	---	---	---
Larceny, petit.....	15	15	---	---	---	---	---	2	---	13	---	---
Manslaughter, first degree..	11	10	---	1	---	---	6	4	---	---	---	---
Murder, first degree.....	9	4	4	1	---	1	3	---	---	---	---	---
Murder, second degree.....	1	1	---	---	---	---	1	---	---	---	---	---
Violating prohibition law...	61	39	2	20	---	---	---	13	---	26	---	---
Total	164	122	8	34	---	1	26	39	---	56	---	---

Percentage of convictions in cases disposed of, 75.

Predominant crime, Violation of Prohibition Law.

GENERAL STATEMENT OF ALL CRIMINAL CASES DISPOSED OF IN ALABAMA DURING THE BIENNIAL
PERIOD BEGINNING OCTOBER 1ST, 1912, AND ENDING SEPTEMBER 30TH, 1914.

CHARACTER OF OFFENSE	No. cases disposed of	Convictions	Acquittals	Nolle proseques	Abated or withdrawn	No. Sentences to				Fines paid or secured	Insane Asylum	Reform School
						Death	Penitentiary	Hard Labor	Jail			
Abduction	1			1								
Abandonment	21	4	3	11	3			2		2		
Abusive letter	6	3	2	1						3		
Accessory after the fact	1		1									
Abortion	2			2								
Abusive language	1,529	741	168	549	71			67	16	658		
Adultery and fornication	237	59	41	111	26			15	8	37		
Affray	60	26	5	25	4				2	24		
Allowing minor to play pool	8	1	1	3	3					1		
Aiding escape	32	18	1	11	2		5	4		9		
Aiding and abetting a felony	1				1							
Arson, first degree	34	7	11	13	3		7					
Arson, second degree	37	14	9	11	3		13				1	
Arson, third degree	8	6		1	1		1	3		2		
Assault	121	62	11	40	8			15		48		

Assault and battery-----	1,874	1,050	230	497	97	---	---	210	27	842	---
Assault and battery with weapon-----	1,422	838	156	347	81	---	---	222	21	607	---
Assault, intent to murder-----	608	276	112	185	35	---	185	81	5	8	---
Assault, intent to ravish-----	44	20	10	14	---	---	17	3	---	---	---
Assault, intent to rob-----	17	9	2	6	---	---	8	1	---	---	---
Attempt to commit forgery-----	7	4	---	2	1	---	---	1	---	3	---
Attempt at burglary-----	12	8	---	2	2	---	1	---	---	7	---
Attempt to commit a felony-----	8	5	2	1	---	---	---	4	1	---	---
Attempt at larceny-----	2	2	---	---	---	---	---	---	1	1	---
Attempt at bribery-----	1	---	---	1	---	---	---	---	---	---	---
Betting at cards-----	18	11	1	6	---	---	---	5	---	6	---
Blackmail-----	3	2	---	---	1	---	---	---	---	2	---
Betting with minor-----	4	---	1	3	---	---	---	---	---	---	---
Bribery-----	10	2	4	4	---	---	2	---	---	---	---
Boycotting-----	3	1	---	1	1	---	---	1	---	---	---
Bastardy-----	43	21	4	12	6	---	---	7	---	14	---
Bigamy-----	30	16	4	10	---	---	14	2	---	---	---
Bestiality-----	4	1	2	---	1	---	1	---	---	---	---
Bringing stolen property into state-----	3	---	---	3	---	---	---	---	---	---	---
Burglary-----	615	424	65	106	20	---	279	140	1	4	---
Burglary and grand larceny-----	250	150	27	54	19	---	96	49	1	1	1
Burglary, grand larceny and receiving stolen goods-----	12	10	2	---	---	---	---	10	---	---	---
Burglary in railroad car-----	9	8	1	---	---	---	4	4	---	---	---
Carnal knowledge, girl under 12-----	31	13	12	5	1	---	11	1	---	1	---
Carnal knowledge, girl over 12-----	10	7	---	3	---	---	---	7	---	5	---
Changing name unlawfully-----	25	3	3	10	9	---	---	2	---	1	---

GENERAL STATEMENT.—Continued.

CHARACTER OF OFFENSE.	No. cases disposed of	Convictions	Acquittals	Nolle proseques	Abated or withdrawn	No. sentences to				Fines paid or secured	Insane Asylum	Reform School
						Death	Penitentiary	Hard Labor	Jail			
Concealed weapons -----	2,062	1,167	217	566	112	---	---	413	5	797	---	---
Concealing stolen property -----	8	5	2	1	---	---	1	---	---	4	---	---
Concealing felon -----	2	2	---	---	---	---	---	1	---	1	---	---
Conspiracy -----	9	2	5	1	1	---	1	---	---	1	---	---
Contempt -----	21	18	1	2	---	---	---	7	3	13	---	---
Cock fighting -----	2	---	1	---	1	---	---	---	---	---	---	---
Changing hog mark -----	3	---	1	2	---	---	---	---	---	---	---	---
Cutting timber from land of another -----	3	---	1	2	---	---	---	---	---	---	---	---
Champertry -----	1	---	1	---	---	---	---	---	---	---	---	---
Cruelty to animals -----	96	33	16	38	9	---	---	4	---	29	---	---
Decoying child -----	25	3	10	12	---	---	---	---	2	1	---	---
Defacing public building -----	27	11	5	9	2	---	---	1	---	11	---	---
Defamation -----	91	17	16	46	12	---	---	4	4	13	---	---
Defaulting road hand -----	236	107	32	92	5	---	---	27	---	81	---	---
Destroying fence -----	6	3	2	1	---	---	---	---	---	3	---	---
Disorderly conduct -----	8	1	4	3	---	---	---	---	---	1	---	---

Disturbing religious worship	367	168	58	131	10		10	1	162	
Disposing of property under lien	21	12	6	3			2		10	
Disposing of mortgaged property	66	21	9	30	6		6	5	14	
Disturbing females	19	11	1	7			2		9	
Disturbing public assembly	31	15	1	13	2		1		14	
Disturbing school	3	2		1					2	
Embezzlement	210	50	27	113	20	23	8	2	17	
Extortion	3			3						
Enticing minor	1			1						
Escape	49	32	3	11	3		27	1	5	
Enticing labor	11	2	1	8					2	
Failing to drive to the right	1	1							1	
False impersonation	1		1							
False pretense	338	120	37	150	31	12	48	7	54	1
Failure to obey writ of habeas corpus	3			3						
Forgery, first degree	153	59	19	61	14	52	5	1		1
Forgery, second degree	84	65	4	14	1	55	10			
Forgery, third degree	26	19	1	2	4		14	4	3	
Failure to report health officer	1	1							1	
Fraudulent conveyance	4	3		1		1			2	
Gaming	1,306	436	152	621	97		69	15	352	
Gaming on Sunday	1,170	402	120	514	134		89	29	303	
Gaming in public place	10	6	1	3			2		4	
Giving away transfer	5		1	4						
Giving liquor to minor	11	3	4	4					3	
Interfering with trade	1			1						
Indecent exposure of person	3	2		1					2	

GENERAL STATEMENT.—Continued.

CHARACTER OF OFFENSE	No. cases disposed of	Convictions	Acquittals	Nolle proseques	Abated or withdrawn	No. Sentences to				Fines paid or secured	Insane Asylum	Reform School
						Death	Penitentiary	Hard Labor	Fail			
Horse racing	2		1	1								
Intimidating	3			2	1							
Injuring telegraph wires	8	2		2	4					2		
Injuring property	12	3	2	5	2					3		
Incest	19	10	3	5	1		7			3		
Issuing worthless check	17	1	2	10	4			1				
Justice of peace, neglect of duty	1			1								
Keeping gaming table	36	7	11	17	1		2	4		1		
Keeping false accounts	1	1								1		
Kidnapping	6		1	4	1							
Keeping house of prostitution	3	2	1						2			
Keeping vicious animal	2			2								
Keeping sheep-killing dog	3		2	1								
Larceny, grand	1,144	744	135	212	53		434	294	1	16		
Larceny, petit	1,020	665	93	221	41		256	113		364		3
Larceny, grand, and receiving stolen goods	11	7	1	3			6	1				

[illegible]

GENERAL STATEMENT.—Continued.

CHARACTER OF OFFENSE	No. cases disposed of	Convictions	Acquittals	Nolle proseques	Abated or withdrawn	No. Sentences to				Fines paid or secured	Insane Asylum	Reform School
						Death	Penitentiary	Hard Labor	Jail			
Presenting gun-----	192	69	41	70	12	—	—	19	—	50	—	—
Public drunkenness-----	1,235	828	65	293	49	—	—	49	15	768	—	—
Putting out poison-----	3	—	—	3	—	—	—	—	—	—	—	—
Prostitution-----	8	3	4	1	—	—	—	2	—	1	—	—
Rape-----	28	12	7	7	2	1	11	—	—	—	—	—
Receiving stolen property-----	98	29	12	43	14	—	3	9	4	13	—	—
Raffling-----	2	2	—	—	—	—	—	—	—	2	—	—
Reckless driving-----	12	4	3	5	—	—	—	—	—	4	—	—
Removing mortgaged property-----	29	18	1	10	—	—	—	6	—	13	—	—
Removing property under lien-----	3	2	—	—	1	—	—	—	—	2	—	—
Refusing to assist sheriff-----	1	1	—	—	—	—	—	—	—	1	—	—
Resisting officer-----	50	14	7	24	5	—	—	8	—	7	—	—
Removing boundary marks-----	1	1	—	—	—	—	—	1	—	—	—	—
Robbery-----	107	53	15	34	5	—	53	—	—	—	—	—
Refusing to pay dog tax-----	1	—	—	1	—	—	—	—	—	—	—	—
Seduction-----	42	8	5	28	1	—	8	—	—	—	—	—

Selling diseased meat	4	2	2	—	—	—	1	—
Selling cocaine	19	3	3	12	1	—	2	—
Selling liquor to minor	14	6	1	7	—	—	1	—
Shooting into dwelling	23	10	3	2	8	—	3	—
Selling cigarettes to minor	9	5	—	3	1	—	—	5
Selling choking horse	1	—	1	—	—	—	—	—
Selling examination papers	1	—	—	1	—	—	—	—
Shooting in public place	6	2	—	3	1	—	1	—
Selling mortgaged property	126	47	29	45	5	3	6	38
Selling horses with glanders	1	—	—	—	1	—	—	—
Selling seed cotton	1	—	1	—	—	—	—	—
Selling pistol to minor	1	1	—	—	—	—	—	1
Shooting across public road	112	56	17	39	—	—	4	52
Shooting into passenger train	1	1	—	—	—	1	—	—
Shooting on Sunday	4	2	—	2	—	—	—	2
Slander	9	—	1	8	—	—	—	—
Sending challenge	1	—	—	—	1	—	—	—
Sodomy	12	10	1	1	—	7	3	—
Shooting into church	1	—	—	1	—	—	—	—
Taking girl under 18 for prostitution	2	—	1	1	—	—	—	—
Temporary use of animal	13	8	3	2	—	—	2	7
Temporary use of property	18	6	—	8	4	—	4	2
Trading choking horse	4	1	—	3	—	—	—	1
Throwing missile at train	17	11	1	5	—	1	4	4
Trading mortgaged property	4	—	—	4	—	—	—	—
Trespass after warning	253	53	59	122	19	—	13	3
Train wrecking	2	—	2	—	—	—	—	37

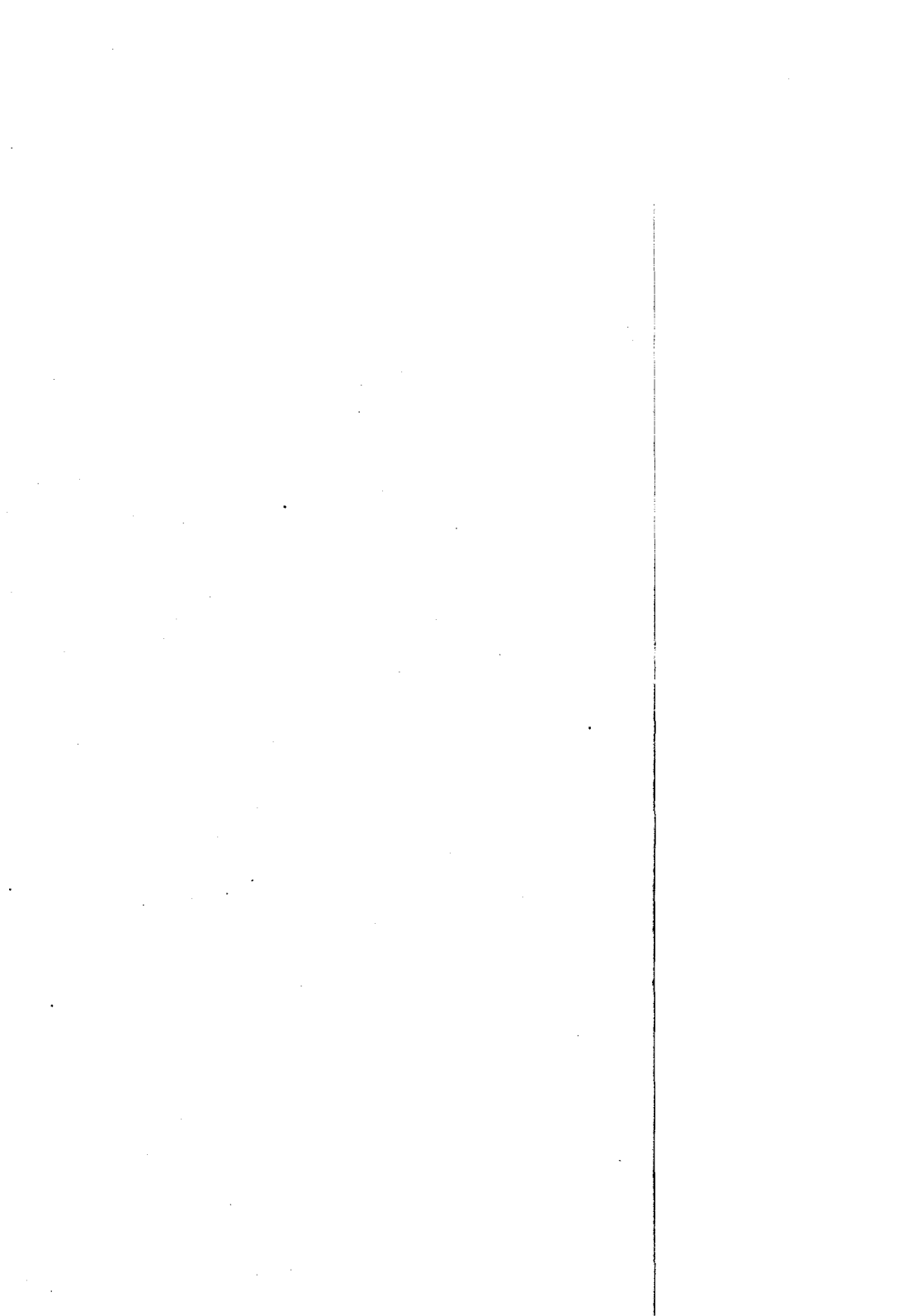
GENERAL STATEMENT.—Continued.

CHARACTER OF OFFENSE	No. cases disposed of	Convicted	Acquittals	Nolle proseques	Abated or withdrawn	No. Sentences to				Fines paid or secured	Insane Asylum	Reform School
						Death	Penitentiary	Hard Labor	Jail			
Throwing into dwelling-----	2			2								
Tampering with railroad track-----	1			1								
Unlawful injury to animal-----	47	26	10	9	2					26		
Uncoupling train-----	1	1						1				
Unlawfully riding on train-----	214	169	7	35	3			138	1	30		
Unlawfully furnishing liquor to prisoner-----	2		1	1								
Unlawfully signalling train-----	1	1						1				
Unlawfully killing animal-----	8	5	1	1	1					5		
Unlawfully contracting with city-----	2			2								
Unlawfully connecting electric wires-----	1			1								
Vagrancy-----	762	257	89	341	75			140	14	108		5
Violating automobile law-----	20	14	4	2				1	1	12		
Violating court contract-----	41	23	6	12				10		14		
Violating election law-----	61		12	9	40							
Violating game and fish law-----	144	75	24	42	3			2	1	77		
Violating prohibition law-----	4,643	2,043	435	1,861	304			907	37	1,360		

Violating revenue law-----	1,995	109	97	1,541	248	---	---	---	47	6	56	---
Violating Sunday law-----	228	139	21	49	19	---	---	---	2	---	137	---
Violating stock law-----	118	35	16	48	19	---	---	---	1	---	34	---
Violating sunrise and sunset law-----	9	7	---	2	---	---	---	---	---	---	7	---
Violating written contract-----	31	16	5	7	3	---	---	---	6	---	10	---
Violating harbor law-----	1	---	1	---	---	---	---	---	---	---	---	---
Violating insurance law-----	8	1	1	6	---	---	---	---	---	---	1	---
Violating mining law-----	51	29	2	19	1	---	---	---	1	1	27	---
Violating forestry law-----	1	---	1	---	---	---	---	---	---	---	---	---
Violating quarantine law-----	14	11	1	2	---	---	---	---	---	---	11	---
Violating anti-trust law-----	1	---	1	---	---	---	---	---	---	---	---	---
Violating junk law-----	4	---	---	4	---	---	---	---	---	---	---	---
Violating oyster law-----	10	5	1	3	1	---	---	---	---	1	4	---
Violating health law-----	2	---	1	1	---	---	---	---	---	---	---	---
Violating speed law-----	11	3	---	6	2	---	---	---	---	---	3	---
Violating pure food and drug law-----	14	4	1	9	---	---	---	---	1	---	3	---
Violating juvenile law-----	3	---	---	3	---	---	---	---	---	---	---	---
Violating pharmacy law-----	6	2	---	4	---	---	---	---	---	---	2	---
Total -----	28,228	13,096	3,140	10,086	1,706	34	901	3,602	396	7,524	2	11

Percentage of convictions in cases disposed of, 46.5. Predominant crime, Violating Prohibition Law.

*One escaped before sentence.



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